

In the Court of the Principal District Judge, Madurai

Present: **Thiru M. Balakumar, B.A., M.L.,**
V Additional District Judge, Madurai
Principal District Judge, Madurai (i/c)

Friday the 29th day of May 2020

Crl.M.P.No. 2581/2020

Sekar

S/o. Ammasithevar

-----petitioner/Accused No.2

/ Vs /

State through the Inspector of Police,
Thideer Nagar P.S., Madurai in crime no.511/2020

... Respondent/Complainant

This petition is received today from the Principal District Court, Madurai as per the proceedings in A.No.90/2020 dt.19.5.2020 issued in furtherance of the instructions and advisories issued by the Hon'ble High Court for limited functioning of courts due to the spread of COVID 19 virus and taken up today for hearing at request through e-mail / e-petition and after hearing the arguments of Thiru M.Sakthivel Counsel for the petitioner and of Thiru M.Tamil Chelvan, Public Prosecutor for the State over conference call, this court passed the following

ORDER

Due to national lock down for COVID-19 virus pandemic, as a result of prohibitory order u/s 144 of Cr.p.c. has been promulgated by the Government of Tamilnadu since 25.3.2020 and in turn regular work of the subordinate judiciary has been advised to attend through Video conference call by the Hon'ble High Court of Madras till 31.5.2020. Whereas exceptions

have been granted to attend urgent works like bail depending upon the facts and circumstances of the case and also the nature of emergency.

1. Bail application u/s 439 of Cr.p.c.

2. The offences alleged are 379 IPC

3. The learned counsel for the petitioner submitted in the petition that the petitioner is A2 and he came to Tamilnadu 3 months back and he was falsely implicated in this case and he asked lift and was travelled as a pillion rider in a two wheeler which was driven by A1 and which is said to have a stolen property. He came to know about this fact only when he was arrested by the police and he is in custody from 18.5.2020 and further stated that his wife expired 2 months before and he is taking care of his two children and he is ready to abide by the condition imposed by this court and no previous case is pending against the petitioner and prays to grant bail to this petitioner with any stringent condition. Per contra the learned PP submitted in reply that the petitioner is A2 and this case filed with regard to missing of two wheeler and the said TVS XL was recovered only on 18.5.2020 from this petitioner and is in custody from 18.5.2020 and no previous case is pending against the petitioner and if he is granted bail he would abscond and it is difficult to secure his presence and objected to grant bail.

4. **Heard both side through Conference call.**

5. Considered the argument of both side. The learned counsel for the petitioner would argue that TVS 50 was recovered when he was travelled as pillion rider with A1. He is no way connected and bail may be considered since his wife expired 2 months back and he has to take care of his children. The learned PP also stated that this petitioner is not having any previous case. Considering the fact that the properties have been recovered and also

considering the argument that the wife of the petitioner expired recently and the daughter has attained puberty, this court is inclined to grant bail to this petitioner.

6. In the result, the Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the Superintendent, Central Prison, Madurai. After a period of 4 weeks, the petitioners should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560. Accordingly, the petition is allowed.

Pronounced by me on the 29th day of May - 2020.

Sd.M. Balakumar

V Additional District Judge, Madurai

Principal District Judge, Madurai.(i/c)

Copy to

1. The Inspector of Police, Thideernagar P.S., Madurai
2. The Judicial Magistrate concerned
3. The petitioner through his counsel