

**IN THE COURT OF JUDICIAL MAGISTRATE NO. IV: MADURAI.**

**Present: Thiru R.Sundara Kamesh Marthandan, B.L.  
On this 30<sup>th</sup> day of April 2020**

**Cr. M.P. No. 549 of 2020  
in  
Crime No. 165 of 2019**

M.Rajesh alias Raja alias Appala Raja,  
son of Mahalingam,

...Petitioner/Accused

-vs-

State of Tamil Nadu,  
Represented by Inspector of Police,  
Subramaniapuram Police Station. Madurai City

... Respondent/Complainant.

Bail Petition filed under Section 167 Code of Criminal Procedure.

- 1) This Petition forwarded through the Court Manager attached to the Hon'ble Principal District and Sessions Court, Madurai on 28.04.2020 and taken up today in view of the Complete Lock Out announced because of Out Break of Corona and that the Petitioner's counsel Mr. R.John Jayaseelan Jacob was called over his mobile number 9843181315, however the call could not be connected since the call was automatically forwarded. The learned Assistant Public Prosecutor for the State was heard over phone, considering the material records and written argument submitted by the Petitioner's counsel and the Oral Submission made by the Assistant Public Prosecutor, this court passes the following: -

**ORDER**

- 2) The Petitioner was arrested and remanded for offences alleged under Section 9(B) (1)(a)(b) Explosive Act 1884, Sections 286, 307 IPC and Sections 4 and 5 of Explosives Substances Act 1902 on 22.12.2019.
- 3) The Petitioner had contended that since his remand 129 days had lapsed, however the Respondent Police had not filed final report, hence he is entitled to Mandatory bail. Further the Petitioner counsel had contended that the Petitioner underwent a surgery by getting order from Hon'ble Madras High Court, Madurai Bench in W.P.(MD) No. 27401 of 2019. He is totally dependent on others even for his personal movement. He also produced the copy of the interim order dated 02.01.2020 passed by the Hon'ble Madras High Court, Madurai Bench in the said Writ Petition, wherein the Petitioner has been ordered to be Operated in Government Rajaji Hospital, Madurai .
- 4) The Respondent would contend that they have completed investigation and prepared Draft Final Report and has forwarded the same to District Collector for approval. Further in view of the prevailing situation either COVID-19, the approval could not be obtained immediately.
- 5) At this juncture it would be appropriate to refer the Orders of the Hon'ble Madras High dated 26.03.2020 and 25.04.2020 in W.P. No. 7413 of 2020 and Order dated 26.03.2020(amended by order dated 27.03.2020) made in W.P.(MD).No. 6126 of 2020, wherein the Order of remand were extended upto 30.04.2020 and later extended upto 01.06.2020, without prejudice to the right of the Accused to obtain Bail.
- 6) Since the Petitioner/Accused has been in Judicial Custody for more than 90 days and that final report has not been filed till date, this Court is inclined to enlarge the Petitioner on bail on the following conditions:-
  - a) that the Petitioner shall execute bond for Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties for the like sum.

- b) Thereafter the Petitioner shall appear before the Respondent daily on morning 10 am and evening 5 pm, until further orders.
- c) The Petitioner shall not induce, threat or coerce any person acquainted with the facts of the case.
- d) The Petitioner shall not tamper with the evidence.

In the result the Petition is allowed. No Cost.

Typed by me in my laptop and pronounced via e-mail  
on this 30<sup>th</sup> day of April 2020.

**Judicial Magistrate IV  
Madurai.**