

In the Court of the V Additional District Judge, Madurai

Present: **Thiru M.Balakumar, B.A., M.L.,**
V Additional District Judge, Madurai

Thursday the 23rd day of April 2020

Crl.M.P.Nos.327/2020 and 328/2020

Kasi @ Karthikeyan	-- Petitioner in Crmp No.327/2020 in SC No.513/2017
Karthikeyan @ Donkie Karthi	-- Petitioner in Crmp No.328/2020 in SC No.58/2018

/ Vs /

State through the Inspector of Police, Annanagar police station in crime no.927/2017 Madurai City	-- Respondent in both petitions
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These petitions taken up today for hearing at request through e-mail / e-petition and after hearing the arguments of Thiru S.Ayyappa Raja and associates, Advocate for the petitioners in both petitions and of Thiru S.Ramesh, the Addl. Public Prosecutor for the State over conference call, this court passed the following

COMMON 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 also been suspended by the Hon'ble High Court of Madras till 3.5.2020. 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. Accordingly these petitions have been filed on 19.4.2020 by online which has been forwarded to my e-mail

account by the Court Manager, Principal District Court, Madurai on 21.4.2020 and taken on file.

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

2. The offences alleged are u/s 147, 148, 302 and 506(ii) IPC

3. The learned counsel for the petitioners stated in the petition that a case has been registered against the petitioners/ accused in Annanagar police station crime no.927/2017 u/s 147, 148, 302 and 506(ii) IPC. The petitioners were arrayed as A2 and A4 and were remanded to judicial custody on 25.1.2020 by P T Warrant and they are in custody for the past 86 days. Since the accused are remanded in some other cases, they could not be able to attend the court for the hearings and hence prayed to enlarge them on bail.

4. Per contra the learned Addl. Public prosecutor submitted in the reply that the case was committed to this court and is pending in SC No.58/18 c/w SC No.513/17. The accused have failed to cooperate for the trial proceedings and hence for the petitioner Kasi @ Karthikeyan NBW issued on 27.8.2019 and for the petitioner Karthikeyan @ Donkey Karthi, NBW issued on 4.1.19. While chasing out the accused in their address, the police came to know that they were indulged in murder and robbery cases in Chennai Avadi Tan factory p.s. crime no.908/19 and were remanded in Central prison, Puzhal, Chennai. Further there are 10 and 9 previous cases respectively are pending against the petitioners in different police stations. Further these petitioners have been produced on P T Warrant before this court on 25.1.2020 and were remanded to judicial custody on 25.1.2020 and they are in custody for 86 days. If bail is granted, they would definitely hamper the witnesses and tamper the prosecution and would indulge in similar type of crimes and strongly objected to grant bail to the petitioners.

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

6. Considered the argument of both side. The learned counsel for the petitioners would argue that both the accused were under judicial custody from 25.1.2020, nearly 89 days and further if the petitioners are enlarged on bail they will abide any condition imposed by the Hon'ble Court.

7. Per Contra, the learned Addl.Public Prosecutor vehemently argued that the accused involved in another murder case and some other robbery cases also. If they have been enlarged on bail, the progress of the cases will be very difficult and they were remanded to judicial custody after a long gap of oneyear and 4 months period respectively on execution of NBW and strongly objected to grant bail to the petitioners.

8. On perusal of records, the accused namely Karthikeyan @ Donkie Karthi was under NBW from 4.1.2019 and the accused namely Kasi @ Karthikeyan was under NBW from 27.8.2019. The above attitude of non appearance of the petitioners / accused for the hearing before this court nearly a period of one year and 3 months respectively shows that they are irregular in abiding the conditions imposed by this court. No valid reasons have been stated by the petitioners / accused for the non appearance during that period. At this juncture, there is no necessity or urgency to consider the bail sought for by the petitioners and upon considering the bad antecedents of the accused, this court is not inclined to grant bail to the petitioners.

9. In the result, both the petitions are dismissed.

Sd.M. Balakumar
V Addl.District Judge, Madurai.

Copy to

1. The Inspector of Police, Annanagar Police Station
2. The Judicial Magistrate concerned
3. The Superintendent, Central Prison, Puzhal, Chennai
4. The petitioners through their counsel

