

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

Tuesday , the Ninth day of June, Two Thousand Twenty

Present: E. Pravin Kumar, B.A.,B.L.,

J.M. V, Madurai

e- Crmp 28 / 2020

1. R.Gopinathan

S/o.Rajappan

.... Petitioner/Accused

Vs

State rep. by Sub Inspector of police,

Oomatchikulam Police Station

Crime No. 67/2020.

U/sec. 342,379,365,406,419,420,465,467,468,471,120B IPC.

... Respondent/Complainant

For petitioner/accused: Mr.S.Baskaran, M.A.,B.L., MS No.4010/2012 Advocate

For Respondent/Complainant: Mrs. Thilagarani, Grade II Assistant Public Prosecutor

09-06-2020

Order

1) The petitioner/ accused filed this petition seeking for Bail U/s. 437Crpc in Crime No. 67/2020, U/sec.342,379,365,406,419,420,465,467,468,471,120B IPC. Notice was given to the other side. Heard both side arguments.

2) The learned counsel for the petitioner argued that this is the 1st bail application filed for this accused. The accused was remanded on 04-06-2020 and in

judicial custody for past 6 days . The accused is a practicing advocate . His Enrollment No is 1736/2015 . But the enrollment number found in the document involved in this case is 1735/2017. The name of the accused was neither mentioned in the FIR or in the complaint. He has been falsely implicated in this case. He is innocent and Law abiding citizen. The accused just went to meet his friend advocate and due to that he was falsely implicated in this case. There is no previous case against this accused. He is from a poor family. If the accused is enlarged on bail he would not tamper the witness or abscond. No similar bail application is pending before any other court at Madurai. Hence considering all the above facts the petitioner prayed that this bail petition may be granted.

3) In reply to the above contention, the prosecution in their written and oral reply has stated that the investigation is pending in stage. There are totaly 13 accused in this case. Only 4 accused have been arrested . Other accused are to be arrested . This accused has mentioned his enrollment number wrongly and was a part in creating false documents involved in this case . Non - mentioning of the name of the accused in FIR or complaint is not fatal. In the course of the investigation police can collect evidence regarding the persons involved in a crime . Thus this accused was implicated in this case. If the accused is let on bail, he may tamper the witness and the accused may try to abscond. He may threaten the de-facto complainant . Further the prosecution has stated that Crl.OP.(MD) No.3028 of 2020 & 3188 of 2020 relating to crime no.47/2020 which is also related to the events in this case is pending before Hon'ble High Court of Madurai bench before the Hon'ble Administrative Lordship. Further Crl.OP.(MD) No.5240 of 2020 filed by accused Rajalakshmi is pending before Hon'ble High Court. Further the bail petition of accused Senthilkumar in Crime No.47/2020 has been dismissed by Hon'ble High court. Hence considering all the above facts and circumstances and stage of investigation the prosecution prayed that the bail petition may be dismissed.

4) This court has taken into consideration the facts and circumstances of the case ,gravity of offence and its impact on this society. The case is under investigation stage and other accused are to be arrested. Considering all the above facts and circumstances and the gravity of offence and stage of investigation, the arguments that the accused could threaten the complainant , commit similar offence and could abscond and tamper the witness causing hindrance to investigation takes relevance.

5) Hence considering all the above facts and materials, this court is not inclined to grant bail to the accused at this stage of the case. Hence in the interest of justice this bail application is dismissed.

(S/d) E. Pravin Kumar

Judicial Magistrate No. V,

Madurai