

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Wednesday 14th day of October 2020

Crmp.No.794/ 2020

Vijayan,

S/o.Karuppasamy

...Petitioner/ Accused

vs

State rep. by Inspector of police,

S.S.Colony Police Station,

Crime No.1434/2020

U/sec. 379 IPC

... Respondent/Complainant

For petitioner/accused: Mr.P.Alagesan, B.A., B.L., Advocate

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

14.10.2020

Order

1. The petitioner/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.1434/2020, U/sec.379 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. This accused was remanded on 29.09.2020 and in judicial custody for past 16 days. This accused is falsely implicated in this case. The name of the accused is not mentioned in the FIR. The property has been recovered. The petitioner is a law abiding citizen. He shall not tamper the evidence and abide by the condition of this court. Hence, considering all the above facts the petitioner prayed that the bail petition may be allowed.

3. On the other hand in his reply prosecution strongly object to release the accused A1/petitioner on bail for the following reason. As per IO's report investigation of this case is pending in stage. Previous cases are pending against this accused A1. The details of the previous cases are mentioned in the police reply. He is a habitual offender. One of accused A2 is still absconding stage. He is yet to be arrested by the IO. In this stage if this accused A1/petitioner is released on bail he may commit the same offence. And he may absconded which leads prosecution case collapsed. And this petitioner/accused may tamper the evidence and witnesses. Hence this petition and may be dismiss this petition.

.2.

4. This court has taken into consideration the facts and circumstances of the case and gravity of offence, the number of days accused in judicial custody and the property has been recovered. On considering all the above facts and circumstances and in the interest of justice and as bail is a right and jail is an exception, this court is inclined to grant bail to the accused. The accused shall be enlarged on bail on him executing own bond for Rs.10,000/- to the satisfaction of Superintendent, District Jail, Dindugal.

5. Further within 2 weeks from the lifting of lockdown the accused shall surrender before this court and execute a fresh bond for Rs.10,000/- with two sureties for like sum each. Thereafter, the accused shall provide his residential address to the respondent police and in change of the residential address the same shall be intimated to the respondent police. The accused shall co-operate with the respondent police, he shall not tamper the evidence, threaten the witnesses, he shall not induce the witnesses and shall appear before this court on summons. If there is any violation or non-compliance of the conditions above, the investigation officer is within his discretion to approach this court for cancellation of bail order.

6) In the result, this bail petition is allowed.

Dictated by me to the Steno-typist and typed by her in computer directly and corrected and pronounced by me in open court on this 14th day of October 2020.

(Sd-E.Pravinkumar)
Judicial Magistrate No. V,
Madurai.

Copy to
The Superintendent,
District Jail, Dindugal.