

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.828/ 2020

1. Sasikumar,  
S/o.Sakkarai

2. Arunkumar,  
S/o.Murugesan

...Petitioners/ Accused

vs

State rep. by Inspector of police,

S.S.Colony Police Station,

Crime No.2117/2020

U/sec. 406, 420,120(B) IPC

... Respondent/Complainant

For petitioners/accused: Mr.R.Vignesh, Advocate

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

**14.10.2020**

**Order**

1. The petitioners/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.2117/2020, U/sec.406, 420, 120(B) 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. These accused were remanded on 11.10.2020 and in judicial custody for past 4 days. These accused are falsely implicated in this case. The petitioners are a law abiding citizen. There is no chance of absconding or tampering the witness if the accused enlarged on bail. 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 /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 these accused . One previous case is pending against in S.S.Colony Crime PS in Cr.No. 1851/2020 U/s. 379, 120(B), 406,

.2.

420, 465, 468 IPC. The details of the previous cases are mentioned in the police reply. They are habitual offenders. In this stage if these accused are released on bail they may commit the same offence. And they may absconded which leads prosecution case collapsed. Hence this petition and may be dismiss this petition.

4. This court has taken into consideration the arguments on both sides, the facts and circumstances of the case, gravity of offence, previous antecedents of the accused. The case is under investigation stage. 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.

6. In the result this bail petition is dismissed.

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.