

**JUDICIAL MAGISTRATE COURT NO:V,
MADURAI.
e - Cr.M.P. 1/2020**

PETITIONER/ACCUSED:-

1) Senthil Kumar (A1)
S/o Gurumoorthy

Respondent: Inspector of Police
Oomachikulam P.S.

U/s. 406, 420, 147, 448, 427, 342, 363, 365 and 380 IPC

Crime No : 49 /2020

Date: 27.04.2020

ORDER

1) The petitioners/accused filed this petition seeking for Bail U/s. 439 Crpc. Though this offence is triable by this court, due to Lockdown, this petition was filed by the petitioner, before Hon'ble Principal District Judge, Madurai, quoting the above provision of bail. Then by the direction of Hon'ble PDJ, Madurai, this petition was ordered to be forwarded to this court. Hence the petition is taken on file, treating the petition as u/sec. 437 Crpc, considering the above circumstance.

2) Notice was given to the other side. Heard both side arguments. The learned counsel for the petitioner argued that the accused was remanded on 21-02-2020 and he is in custody for the past 53 days. This is the second bail application. This case has been foisted with previous enmity and motive. Also to screen the real offender. At present, the material part of the investigation is over. Further at present due to covid 19, the wife of the accused and his child are struggling without the help and support of the accused, who is the only bread winner of the family. Considering all the above facts, bail may be granted.

3) The prosecution argued that, the investigation is pending in stage. This accused involved in two more cases in the same police station in crime no. 47/2020 and 67/2020. He is a habitual offender. Other accused are still absconding. If the accused is let on bail he would abscond and try to tamper the evidence. Hence the petition may be dismissed.

4) This court has taken into consideration of the facts and circumstances of the case and gravity of offence, number of days the accused was in judicial custody and the present change in circumstance. Further, as bail is a right and jail is an exception, and in the interest of justice, this Court is inclined to enlarge the accused on bail at present, on own bond for a sum of Rs. 10,000/-.

5) Further, within 7 working days from the lifting of lockdown, the accused shall appear before this court and shall execute a bond for a sum of Rs.10,000/- with two surety each. 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 for the investigation and shall appear before this court on summons.

A. Pravin Kumar
27-4-20
Judicial Magistrate No. V
