

IN THE COURT OF JUDICIAL MAGISTRATE NO. IV: MADURAI.

Present Thiru.R.Sundara Kamesh Marthandan, B.L.

Judicial Magistrate No.IV, Madurai.

Friday on this 09th day of October 2020

Cr. M.P. No. 1144 of 2020

Kalimuthu @ Periyavaithala (23/2019)
son of Alagarsamy

...Petitioner/Accused

-vs-

State of Tamil Nadu,
Represented by Inspector of Police,
Keeraithurai Police Station.
Crime No.895 of 2020
under Sections 392 r/w 397, 506(2) IPC

...Respondent/Complainant.

This Petition filed under Section 167(ii) Code of Criminal Procedure.

This Petition coming up today before me and upon hearing the argument of Mr.P.Jeyaganesan, counsel for the Petitioner and Assistant Public Prosecutor for the Respondent, this court passes the following :-

ORDER

1) This Petition is filed under Section 167 (ii) Cr. P.C. The Petitioner was arrested for offences alleged under Sections 392 r/w 397, 506(2) IPC and remanded to Judicial Custody on 16.10.2019.

2) The Petitioner contend that he is in law abiding citizen and so he will not abscond. He is innocent and he had not committed any offences as alleged. He is in judicial custody for the past Three Hundred and Fifty Nine days and that the Respondent has not filed Final Report so far.

3) The Respondent had strongly opposed granting of bail to Petitioner. If he is enlarged on bail, there is possibility of him, committing similar offences. The investigation is not yet completed.

4) The rival submissions made on both side was considered. On perusal of records it could be seen that the Petitioner is in Judicial Custody for the past 359 days and that the Respondent had not filed Final Report before this Court. Such being the case, the Petitioner is entitled to Mandatory Bail. Hence this Court is inclined to enlarge the Petitioner on bail, subject to the following conditions: -

- a. The Petitioner shall execute a bond for Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties each, for like sum.
- b. Thereafter the Petitioner shall appear before this court for a period of Two weeks, daily morning at 10.am.
- c. The Petitioner shall not tamper with evidence, threaten, coerce or in any way dissuade the witness to the incident.

Dictated by me to the Steno Typist and Typed by her in computer directly and corrected and Pronounced by me via e-mail on this 09th day of October 2020.

S/d- R.Sundara Kamesh Marthandan,
Judicial Magistrate IV,
Madurai.