

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

Present: Thiru.R.Sundarakameshmarthandan.,B.L,
Judicial Magistrate No.IV, Madurai.
Wednesday on this 27th day of May 2020

Cr.M.P. No. 571 of 2020
in
Crime No. 707 of 2020

- 1) Sakthivel,
Son of Muthusamy
- 2) Pitchaimuthu,
Wife of Sakthivel
- 3) Pandi,
Son of Maari
- 4) Ananth,
Son of Rajendran
- 5) Maheswaran,
Son of Thangavel

.. Petitioners/Accused.

-vs-

State of Tamil Nadu,
Represented by
The Inspector of Police,
B6 Jaihindpuram Police Station.

.. Respondent/Complainant.

This Petition filed under Section 437 Code of Criminal Procedure.

The Bail Petition coming on this day before me in the presence of Thiru.A.Loganathan, Advocate for the petitioner/accused and the learned Assistant Public Prosecutor and upon hearing their arguments over phone, this court passes the following:-

ORDER

- 1) The Petitioner/Accused was arrested and remanded to Judicial Custody

on 20.05.2020 for offences alleged under Sections 147, 148, 452, 294(b), 506(ii) IPC. The Petitioners contented there is no specific overt act against the Petitioners. The Petitioners 1 & 2 are Husband and wife and they have children to take care off. They have also contented that the injured was discharged.

2) The respondent strongly opposed the granting bail and stated that the Defacto-complainant's niece Jansirani was in love with the 1st Petitioner's relative Vijaypandi. As her father warned her, she attempted to commit suicide. However she was saved and admitted in hospital. Thereafter on 19.05.2020, when the Defacto complainant came to her sister Mariammal's house, as because her sister Mariammal had to go to Hospital to bring her daughter Jansirani back after discharge from hospital. During that time, the accused committed trespass and abused and threatened the De-facto Complainant. The respondent further contented that if the petitioners are enlarged on bail, they will tamper with evidence and will cause Public Nuisance. Further the respondent had stated that there is no in-patient in connection with the case.

3) The submission made on either side was considered. The first petitioner is aged 50 years and second petitioner is a women and that they have claimed that they are husband and wife and have children to be taken care off. Further the Petitioners are in Judicial Custody for the past 8 days In the given circumstances this court is inclined to grant bail for Petitioners 1 and 2 namely Sakthivel and Pitchaimuthu. The Petitioners 3 to 5 are total strangers to the incident and the manner in which they got involved in the incident has to be investigated. Hence the Bail Petition in so far as Petitioners 3 to 5 is dismissed.

4) The Petitioners 1 and 2 namely Sakthivel and Pitchaimuthu are enlarged on bail, subject to the following conditions: -

- a. The Petitioners 1 and 2 shall execute a bond for Rs. 10,000/- (Rupees Ten Thousand Only) for the present, before the Prison

Authority.

- b. Within two weeks after the Lock Out in view of COVID-19 is over, the Petitioners 1 and 2 shall furnish two sureties for Rs. 10,000/- (Rupees Ten Thousand Only) each.
- c. Thereafter the Petitioners 1 and 2 shall appear before the Respondent Police for a period of Four week, daily at 10.am.
- d. The Petitioners 1 and 2 shall not tamper with evidence, threaten, coerce or in any way dissuade the witness to the incident.

In the result the Petition is partly allowed. The Petition is allowed in so far as Petitioners 1 and 2 namely Sakthivel and Pitchaimuthu. The Petition is dismissed in so far as Petitioners 3 to 5.

Dictated to the steno-typist, transcribed by him corrected and pronounced by me and pronounced via-email on this 27th day of May 2020.

Judicial Magistrate No.IV
Madurai.