

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

Twenty Ninth Day of May, Two Thousand Twenty

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

J.M. V, Madurai

1. Kumar @ Ramkumar

S/o Mayandi

.... Petitioner/Accused

Vs

State rep. by Sub Inspector of police,

S.S. Colony Police Station

Crime No. 508/2019.

U/sec. 457, 380 IPC

... Respondent/Complainant

29-05-2020

Order

1) In pursuance of the intimation in எண். 9687/தகு,3 dated 29-05-2020 received from Superintendent, Central prison Madurai this order is being passed. In the intimation it has been stated that in the bail order e-Crmp 18/2020 dated 28-05-2020 passed by this court, for accused Kumar @ Ramkumar S/o. Mayandi the name of police station was mentioned as Thideer Nagar P.S in Cr.No 508/2019. But the case was originally registered by S.S. Colony P.S. Hence the intimation was made from Central Prison Madurai, to rectify the typographical error and pass necessary orders.

2) On perusal of records it is found that the case for accused Kumar @ Ramkumar S/o. Mayandi was registered by S.S. Colony P.S. in Cr.No. 508/2019. But in the bail order it has been wrongly mentioned as ThideerNagar P.S. Hence treating the

intimation as a memo and on perusal of records, it is found that the above error is a typographical error. Hence this order to amend the original bail order regarding the typographical error alone is being passed. Thus the words Thideer Nagar PS in the original bail order will be substituted by S.S. Colony P.S. The amended bail order is also attached with this order.

(S/d) E. Pravin Kumar

Judicial Magistrate No. V,

Madurai

Copy to :

1) The Superintendent, Central Prison, Madurai.

Amended Bail Order Copy

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e- Crmp 18 / 2020

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Vs

State rep. by Sub Inspector of police,

**S.S. Colony Police Station**

Crime No. 508/2019.

U/sec. 457, 380 IPC

... Respondent/Complainant

For petitioner/accused: Mr. T. Jayapal M.L, Advocate

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

**28-05-2020**

**Order**

1) The petitioner/ accused filed this petition seeking for Bail U/s. 437Crpc in Crime No. 508/2020, U/sec. 457, 380 IPC. Notice was given to the other side. Heard both side arguments.

2) The learned counsel for the petitioner argued that this is the 2nd bail application filed for this accused. The accused was remanded on 11-02-2020 and in judicial custody for more than 100 days till date, in Central Prison, Madurai. The accused has been falsely implicated in this case while he was in custody in

Cr. No. 268/2018 in Subramaniapuram P.S. The property has been recovered. The co accused has been released. The investigation in this case is nearly over. There is no chance of absconding or tampering with the witness if the accused are enlarged on bail. There is no other bail application pending in any other court or Hon'ble High Court for this accused. There are previous cases against this accused and bail has been granted in all cases. Further the family members of the accused is suffering without maintenance. Hence considering all the above facts the petitioner prayed that this bail petition may be granted.

3) In reply to the above contention, the prosecution has stated that the investigation is pending in stage and there is no change in circumstance. This accused is involved in five previous cases. They are: Cr.No.268/2018 U/S 457,380,120(b),34 IPC, Cr.No.290/2019 U/S 457,380 IPC, Cr.No.341/2019 & 457,380 IPC in Subramaniapuram P.S. and one case is pending in Jai hindupuram P.S. in Cr.No.35/2020 U/S 457,380 IPC and one case is pending in Thilagarthidal P.S. in Cr.No.546/2019 U/S 457,380 IPC. if the accused is let on bail, he may tamper the witness and the accused may try to abscond. Hence considering all the above facts the prosecution prayed that the bail petition may be dismissed.

4) This court has taken into consideration the facts and circumstances of the case ,gravity of offence and that property has been recovered and also the fact that the accused is in judicial custody for more than 100 days till date in this case. Hence 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 his executing own bond for Rs. 10,000/- to the satisfaction of Superintendent, Central Prison , Madurai.

5). Further within 5 working days 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 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.

(S/d) E. Pravin Kumar

Judicial Magistrate No. V,

Madurai

Copy to :

1) The Superintendent, Central Prison, Madurai.