

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

Present Thiru.R.Sundara Kamesh Marthandan, B.L.
Thursday on this 25th day of June 2020

Cr. M.P. No.640 of 2020
in
Crime No.622 of 2020

S. Muthaiah,
Son of Selvam,
V.V. Giri Salai, Sundarajapuram,
J.J. Road, Jaihindpuram
Madurai.

...

Petitioner / Accused

-vs-

State through Inspector of Police,
Subramaniapuram Police Station,
Madurai City.

...

Respondent / Complainant

This Petition filed under Section 437 Code of Criminal Procedure.

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

ORDER

1) This Petition is filed under Section 437 Cr. P.C. The Petitioner was arrested for offence alleged under Section 379, IPC and remanded to Judicial Custody on 10.06.2020

2) The Petitioner contend that the case has been falsely foisted against the Petitioner for statistical purpose and that the Petitioner is a law abiding citizen and so he will not abscond. He is innocent and he has not committed any offence as alleged. He is in judicial custody for the past 16 days. He also submitted that the co-accused was released in bail on 19.06.2020 vide order in Cr.M.P. No. 603 of 2020.

3) The Respondent had strongly opposed granting of bail to Petitioner. That there are several previous case against the Accused. If he is enlarged on bail, there is possibility of him, committing similar offences. The investigation is not yet completed. He may indulge

in threatening the witnesses.

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 16 days. Further co-accused was released in bail on 19.06.2020 vide order in Cr.M.P. No. 603 of 2020, 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) for the present, before the Prison Authority.
- b. Within three weeks after the Lock Out in view of COVID-19 is over, the Petitioner shall furnish two sureties for Rs. 10,000/- (Rupees Ten Thousand Only) each.
- c. Thereafter the Petitioner shall appear before the Respondent Police for a period of Four weeks, daily morning at 10.am.
- d. The Petitioner shall not tamper with evidence, threaten, coerce or in any way dissuade the witness to the incident.

Dictated by me to the typist and Typed by her in computer directly and corrected and Pronounced by me via e-mail on this 25th day of June 2020.

S/d- R.Sundara Kamesh Marthandan

Judicial Magistrate IV,
Madurai.