

In the Court of the Judicial Magistrate, Tirumangalam.
Present : **Thiru.M.C. Arun, L.L.B.,**
Judicial Magistrate, Tirumangalam.
Tuesday 12th day of May 2020
Cr.M.P.No.581/2020

Baskar, 30/2020,
S/o.Samuthira Pandi,
No.95, Karumariamman Kovil st,
M.G.R. Nagar, Pettai.
Tirunelveli District.

...Petitioner

/Vs/

State through the Sub-Inspector of Police ,
Tirumangalam Town P.S. Cr.No.679/2019

.....Respondent.

Petition dated 11.05.2020 filed u/s. 167(2)(ii) Cr.P.C. to grant bail.

This Bail petition U/s.167(2) Cr.Pc. filed by the Learned Advocate Tr.V.Saravana Kumar, for the Petitioner to the E-mail ID of this court on 11.05.2020 due to outbreak of COVID - 19 Lock down and the notice also given to the App through E-Mail ID. The App also appearing for the state filed reply to the E-mail ID after getting instructions from the Investigation Officer and after hearing both sides this court passed the following.

ORDER

Petitioner is the accused whose counsel has filed this petition for bail under section 167(2) of Cr.P.c. The counsel for the petitioner submitted that the respondent police has registered a case against the petitioner alleged to have committed offence punishable under section 392 r/w 397 IPC is non-bailable and the petitioner is innocent and have not committed any offence as alleged and the petitioner is in judicial custody from 12.02.2020 and the offence under section 392 r/w 397 IPC is non-bailable. The petitioner is under custody more than 90 days but the final report is not yet filed. Therefore the petitioner is entitled to be released on bail and the petitioner is prepared to furnish substantial sureties for his release on bail and prayed to release the petitioner on bail.

In reply the respondent conceded that most part of the investigation is pending in the preliminary stage and so many previous cases are pending against this accused in some other police station and such Cr.No. is not mentioned through the reply they filed. He is a habitual offender and one of the accused is still absconding. If the petitioner is released on bail, the petitioner will be absconding from the local jurisdiction. Further the petitioner may tamper the witnesses and interfere the police investigation and strongly opposed the bail application. Hence the respondent prayed for dismissing the petition.

Case records perused. Date of occurrence is 05.12.2019. The petitioner is in judicial custody from 12.02.2020. The offence 392 r/w 397 IPC is non-bailable. But the prosecution has not given

any valid reasons for continue the investigation after 90 days in this case. Further the police has not laid charge sheet before this court. Hence considering the nature of offence, gravity of offence and circumstance of this case, this court is inclined to grant default bail under section 167 (2) Cr.P.c by some stringent conditions on consideration of judicial custody to the interest of justice. Therefore the petitioner is legally entitled for bail. Hence considering the facts and circumstances, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/ with two sureties with one blood surety each for a like sum and the such sureties should be produced before this court after the easement of lock down during court working hours.

Dictated to the Steno-typist taken down by her in shorthand, transcribed and typed by her in computer, corrected and Pronounced via E-Mail on this 12th day of May 2020.

Sd/-M.C.Arun,
Judicial Magistrate,
Tirumangalam.