

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Tuesday 1st day of December 2020

Crmp.No. 1165/ 2020

Alagar,

S/o. Sankar

...Petitioner/ Accused

vs

State rep. by Inspector of police,

Thideernagar Police Station,

Crime No.935/2020

U/sec. 392 IPC

... Respondent/Complainant

For petitioner/accused: Mr.Alexander Devanesam, Advocate

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

**01.12.2020**

**Order**

1. The petitioner/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.935/2020, U/sec 392 IPC. Notice was given to the other side. Heard both side arguments.

2. The learned counsel for the petitioner argued that this is the second bail application filed for this accused. This accused was remanded on 16.11.2020 and in judicial custody for past 16 days. This accused is falsely implicated in this case. He is law abiding citizen. There is no chance of absconding or tampering the evidence if this accused left on bail. The accused is ready to abide by any condition imposed by this Hon'ble court. Due to previous enmity this case has been foisted against this accused. Hence, considering all the above facts the petitioner prayed that the bail petition may be allowed.

3. The prosecution strongly object to release the accused/petitioner on bail for the following reason. Already bail petition filed by this accused as dismissed by this Hon'ble court. There is no change of circumstances. If this accused is released on bail he may commit the same offence. And he may absconded . And he may tamper the evidence and witness. Hence this bail petition may be dismissed.

4. This court has taken into consideration the facts and circumstances of the case and gravity of offence, and the change in circumstances and the number of days accused in judicial custody. On 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 released on the following conditions :

1. The accused shall execute a bond for a sum of Rs.10,000/-each with two sureties for the like sum each.
2. 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 tamper the evidence, 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.

- Dictated by me to the Steno-typist and typed by her in computer directly and corrected and pronounced by me in open court on this 1st day of December 2020.

(Sd-E.Pravinkumar)  
Judicial Magistrate No. V,  
Madurai.