

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Monday 25th day of January 2021

Crmp.No.426/ 2021

Manikandan,  
S/o.Mahamuni

...Petitioner/ Accused

vs

State rep. by Inspector of police,  
Oomatchikulam Police Station,  
Crime No.5/2021  
U/sec. 341, 506(2) IPC

... Respondent/Complainant

For petitioner/accused: Mr. M.Periyakaruppan, Advocate

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

25.01.2021

Order

1. The petitioner/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.5/2021 U/sec. 341, 506(2) IPC. Notice was given to the other side. Heard both side arguments.

2. The learned counsel for the petitioner argued that this is the 1st bail application filed for this accused. This accused was remanded on 20.01.2021 and in judicial custody for past 6 days. This accused is falsely implicated in this case. The accused is a law abiding citizen. There is no chance of absconding or tampering the witness if the accused enlarged on bail. There is no previous case against the accused. Hence, considering all the above facts the petitioner prayed that the bail petition may be allowed.

3. On the other hand the prosecution stated that it is submitted that the above said accused is a habitual offender. Already 6 previous cases are pending against this accused. In this case another one co-accused A2 was absconding still now. In this case investigation is pending as initial stage. In this stage if this accused released on bail he will tamper the witnesses and tamper the process in this case investigation. Hence prosecution side strongly opposed this bail petition and may be dismiss this petition.

.2.

4. This court has taken into consideration the facts and circumstances of the case and gravity of offence, the number of days accused in judicial custody, and as bail is a right and jail is an exception. Hence in the interest of justice, this Court is inclined to enlarge the accused persons on bail on 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 25th day of January 2021.

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