

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Wednesday 14th day of October 2020

Crmp.No.812 / 2020

1. Balamurugan,
S/o.Palani

2. Isakkimuthu,
S/o. Murugan

...Petitioners/ Accused

vs

State rep. by Inspector of police,

Thideernagar Police Station,

Crime No.669/2020

U/sec. 379 IPC

... Respondent/Complainant

For petitioners/accused: Mr.K.Siva, B.A., B.L., Advocate

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

14.10.2020

Order

1. The petitioners/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.669/2020, U/sec.379 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 these accused. These accused were remanded on 30.09.2020 and in judicial custody for past 15 days. This accused are falsely implicated in this case. The property has been recovered. The petitioners are law abiding citizen. They shall not tamper the evidence and abide by the condition of this court. 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/petitioners on bail for the following reason. As per IO's report Investigation is pending in stage. Previous cases pending against this accused. The details of the previous cases are mentioned in the police reply. They are habitual offenders. In this stage if this accused/ petitioners are released on bail they may commit the same offence. Already bail filed these petitioner were dismissed by this Hon'ble Court. There is no change of circumstances. Hence this bail petition may be dismissed.

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4. This court has taken into consideration the facts and circumstances of the case and gravity of offence, the property has been recovered. 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 enlarged on bail on him executing own bond for Rs.10,000/- to the satisfaction of Superintendent, Sub-jail,Theni.

5. Further within 2 weeks 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 their 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, they shall not tamper the evidence, they 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.

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 14th day of October 2020.

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

Copy to
The Superintendent,
Sub jail, Theni.