

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Wednesday 6th day of January 2021

Crmp.No.97 / 2021

Palanivel Pandi  
S/o.Sivapandi krishnan

...Petitioner/ Accused

vs

State rep. by Inspector of police,  
KarimeduPolice Station,  
Crime No.1864/2020  
U/sec. 379 IPC

... Respondent/Complainant

For petitioner/accused: C.Karthikeya, B.Tech, Advocate

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

06.01.2021

**Order**

1. The petitioner/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.1864/2020, 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 this accused. The accused was remanded on 30.12.2020 and in judicial custody for past 7 days. This accused is falsely implicated in this case. The property has been recovered. Due to previous enmity this case has been foisted against this accused. The police has falsely implicated these accused in this case. The accused is law abiding citizen. There is no chance of absconding or tampering the witness if the accused enlarged on bail. 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. As per IO's report this case is preliminary investigation stage. One Previous case is pending in Thideernagar Crime PS for the same accused. He is a habitual offender. In this stage if this accused is released on bail he may commit the same offence.And he may tamper the evidence and witness. And he may absconded which leads prosecution case collapse. Hence this bail petition may be dismissed.

.2.

4. This court has taken into consideration the arguments on both sides, the facts and circumstances of the case, gravity of offence, previous antecedents of the accused. The case is under investigation stage. Considering all the above facts and circumstances and the gravity of offence and stage of investigation, the arguments that the accused could threaten the complainant, commit similar offence and could abscond and tamper the witness causing hindrance to investigation takes relevance.

5. Hence considering all the above facts and materials, this court is not inclined to grant bail to the accused at this stage of the case. Hence in the interest of justice this bail application is dismissed.

6. In the result this bail petition is dismissed.

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 6th Day of January 2021

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