

IN THE COURT OF JUDICIAL MAGISTRATE NO. IV: MADURAI.

Present Thiru.R.Sundara Kamesh Marthandan, B.L.

Judicial Magistrate No.IV, Madurai.

Tuesday on this 08th day of December 2020

Cr. M.P. No.2712 of 2020

1. Abbas,
son of Jhagir Hussain

2. Pandiarajan @ Othakkan Pandiarajan
son of Nagaraj

...Petitioners/Accused 1 & 2

-vs-

State of Tamil Nadu,
Represented by Inspector of Police,
C2 Subramaniapuram (Crime)Police Station.
Crime No.1241 of 2020
under Sections 393, 394, 397 IPC

...Respondent/Complainant.

This Petition filed under Section 167(ii) Code of Criminal Procedure.

This Petition coming up today before me and upon hearing the argument of Mr. M.Jayapal, counsel for the Petitioner and Mr.S.K.Patturajan Assistant Public Prosecutor for the Respondent, this court passes the following :-

ORDER

1) This Petition is filed under Section 167 (ii) Cr. P.C. The Petitioners were arrested for offences alleged under Sections 393, 394, 397 IPC and the 1st Petitioner was arrested and remanded to Judicial Custody on 01.09.2020, the 2nd petitioner was arrested and remanded to Judicial Custody on 03.09.2020.

2) The Petitioners contend that they are law abiding citizen and so they will not abscond. They are innocent and they have not committed any offences as alleged.

The 1st petitioner is in judicial custody for the past Ninety nine days, the 2nd petitioner in judicial custody for the past Ninety seven days and that the Respondent has not filed Final Report so far.

3) The Respondent had strongly opposed granting of bail to Petitioners. That there are several previous case against the Petitioners/Accused. If they are enlarged on bail, there is possibility of them, committing similar offences. The investigation is not yet completed. They may indulge in threatening the witnesses.

4) The rival submissions made on both side was considered. On perusal of records it could be seen that the 1st Petitioner is in Judicial Custody for the past 99 days, 2nd Petitioner is in Judicial Custody for the past 97 days and that the Respondent had not filed Final Report before this Court. Such being the case, the Petitioners are entitled to Mandatory Bail. Hence this Court is inclined to enlarge the Petitioners on bail, subject to the following conditions: -

- a. Each Petitioner shall execute a bond for Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties each, for like sum.
- b. Thereafter the Petitioners shall appear before this court for a period of Two weeks, daily morning at 10.am.
- c. The Petitioners shall not tamper with evidence, threaten, coerce or in any way dissuade the witness to the incident.

Dictated by me to the Steno Typist and Typed by her in computer directly and corrected and Pronounced by me via e-mail on this 08th day of December 2020.

S/d- R.Sundara Kamesh Marthandan,
Judicial Magistrate IV,
Madurai.