

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

Fifteenth Day of June, Two Thousand Twenty

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

Judicial Magistrate No. V, Madurai

e- Crmp 34 / 2020

Muthuraj (45/20)

S/o Somuthevar

....

Petitioner/Accused

Vs

State rep. by Sub Inspector of police,

C5, Karimedu Police Station

Crime No. 753/2015 in CC 304/2016.

U/sec. 457, 380 IPC

...

Respondent/Complainant

For petitioner/accused: Mr. K.P. Karthik, B.A., B.L, Advocate

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

15.06.2020

Order

1) The petitioner/ accused filed this petition seeking for Bail U/s. 437Crpc in Crime No. 753/2015 in CC 304/2016. U/sec. 457, 380 IPC. Notice was given to the other side. Heard both side arguments.

2) The learned counsel for the petitioner argued that, the case is in trial stage. NBW was executed against this accused and this accused was remanded on 08.06.2020 and in judicial custody for past 8 days. The accused was not aware of the hearing date and the NBW hence he was not able to attend the court. His act is neither willful nor

wanton. This accused is a law abiding citizen. There is no chance of absconding or tampering with the witness if the accused is enlarged on bail. There is no other bail application pending in any other court or Hon'ble High Court for this accused. There is no other case pending against this accused. Hence considering all the above facts the petitioner prayed that this bail petition may be granted.

3) In reply to the above contention, the prosecution has stated that this case is pending in trial stage. Non-Bailable Warrant was issued against the accused on 02.04.2019 for his non-appearance before this court and the same was executed by concerned police on 08.06.2020. If the accused is let on bail, he may again abscond which will delay the trial and he may tamper the witness. Hence considering all the above facts the prosecution prayed that the bail petition may be dismissed.

4) This court has taken into consideration the facts and circumstances of the case gravity of offence. The accused is in custody for past 8 days, there is no other case pending against this accused. Hence considering all the above facts and circumstances and the present Covid - 19 situation and the conduction of trial in this 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 his executing own bond for Rs. 10,000/- to the satisfaction of Superintendent, District Prison , Virudhunagar.

5). Further within 5 working days 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 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 threaten the witnesses, he shall not induce the witnesses and shall appear before this court regularly for hearings. 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.

(S/d) E. Pravin Kumar

Judicial Magistrate No. V,

Madurai

Copy to :

1) The Superintendent, District Prison, Virudhunagar.