

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Tuesday 28th day of July, 2020

Crmp.No.576/2020

K.Suresh @ Muthu Muniyandi

S/o. Karuppaiah

.... Petitioner/Accused

Vs

State rep. by Inspector of police,

Karimedu Police Station,

Crime No.358/2019

U/sec. 147, 152, 186, 336 IPC r/w 45(1)(2)(3) of Prison Act 1894

@ 147, 152, 186, 336, 353 IPC and 3 of TNPPDL Act

r/w 45(1)(2)(3) of Prison Act 1894.

... Respondent/Complainant

For petitioner/accused: Mr.Shahul Hameed , Advocate (MS.2495/2011)

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

28.07.2020

Order

1. The petitioner/ accused filed this petition seeking for Bail U/s. 167(2) Crpc in Crime No.358/2019, U/sec. 147, 152, 186, 336 IPC r/w 45(1)(2)(3) of Prison Act 1894 @ 147, 152, 186, 336, 353 IPC and 3 of TNPPDL Act

.2.

r/w 45(1)(2)(3) of Prison Act 1894. 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 17.05.2019 and in judicial custody for past 439 days. Till date Charge sheet has not been filed. Therefore, the petitioner is entitled for statutory bail U/s.167(2) of Crpc. The petitioner further stated that due to typographical error the remand date was wrongly mentioned as 23.04.2019 in his petition and also the section 3 of TNPPDL Act was left out in his petition. It is typographical error and the correct date i.e: 17.05.2019 and section 3 of TNPPDL Act may be taken into consideration. Hence, considering all the above facts the petitioner prayed that the bail petition may be allowed.

3. The prosecution in their oral reply has stated that the final report is not filed before this court till date. The registry put up the petition stating that final report is not filed by the respondent police and the accused is in judicial custody for the past 439 days.

4. This court has taken into consideration the above mentioned circumstance and arguments. The petitioner was remanded on 17.05.2019 is in judicial custody for past 439 days and the respondent police has not filed charge sheet before this court till date. Hence, U/s.167(2) Crpc the petitioner is entitled for statutory bail. This accused shall be enlarged on bail from this case, on him executing own bond for Rs.10,000/- to the satisfaction of Superintendent, Central Prison, Madurai.

.3.

5. Further within 3 weeks from the lifting of lockdown this accused shall surrender before this court and execute a fresh bond for Rs.10,000/- with two sureties for like sum each. 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 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.

(S/d- E.Pravin kumar)

Judicial Magistrate No. V,

Madurai.

Copy to :

The Superintendent,

Central Prison,

Madurai.