

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Thursday, 6th day of August, 2020

Crmp.No.585 /2020

1. Rahman Khan,

S/o.Jaffer Ali

2. Karthik,

S/o.Karmegam

3. Deivendrakumar @ Puyalkumar,

S/o.Meenakshisundaram

.... Petitioners/Accused

Vs

State rep. by Inspector of police,

Thideer Nagar Police Station,

Madurai City,

Crime No.722/2020

U/sec. 147, 148, 341, 294(b), 324, 506(2) IPC .

... Respondent/Complainant

For petitioner/accused: Mr.R.John Jeyaseelan Jacop B.A., B.L., Advocate

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

06.08.2020

Order

1) The petitioners/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.722/2020, U/sec. 147,148, 341, 294(b), 324, 506(2) IPC . Notice was given to the other side. Heard both side arguments.

.2.

2) The learned counsel for the petitioner argued that this is the 1st bail application filed for these accused. This accused were remanded on 29.07.2020 and in judicial custody for past 9 days . The accused have been falsely implicated in this case. The petitioner counsel contends that the real fact is that the defacto complainant escaped from murders spot and planned to kill another person in the respondent police jurisdiction. There the public captured the defacto complainant and these accused helped the public to capture the defacto complainant. There is previous case against this accused and they are relative to the deceased person in Cr.No.1797/2020 in S.S. Colony Police Station. The investigation in this case is nearly over. There is no chance of absconding or tampering with the witness if the accused are enlarged on bail. Hence considering all the above facts the petitioners prayed that this bail petition may be granted.

3) In reply to the above contention, the prosecution has stated that the investigation is pending in stage and there is previous case pending against A1 in 1. Cr.No.2/2016 U/s. 294(b), 324, 506(2) IPC, 2. Cr.No.20/2018 U/s. 387, 506(2) r/w 34 IPC. 3. Cr.No.617/2018 U/s.75 TNPC Act, LIR No.25/2020 U/s.110 crpc, MC 551/2020 dated 09.06.2020. He is a habitual offender. Further the prosecution argued that there is motive between this accused and accused in Cr.No.1797/2020 U/s. 147, 148, 323, 324, 302 IPC, S.S. Colony PS. In this stage, if the accused are let on bail, there may arise law and order problem between the two groups and they may tamper the witness. Further they may commit the offence again and the accused may try to abscond which may lead the prosecution case collapse. Hence considering all the above facts the prosecution prayed that the bail petition may be dismissed.

4) This court has taken into consideration the arguments on both sides, the facts and circumstances of the case, gravity of offence and its impact on this society and the previous antecedents of the accused. The case is under investigation stage and there seems to be rivalry between two groups out of which this case arose. Considering

.3.

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 and also causing law and order problem 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.

(S/d).E.PravinKumar

Judicial Magistrate No. V,

Madurai.