

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Tuesday 25th day of August, 2020

Crmp.No. 624/2020

Praveen,

S/o.Ruban

.... Petitioner/Accused

Vs

State rep. by Inspector of police,

S.S.Colony Police Station,

Madurai City.

Crime No.2000/2020

U/sec. 435, 294(b), 506(2) IPC

... Respondent/Complainant

For petitioner/accused: Mr.K.S.RajanB.A.,B.L., Advocate (MS.No.551/2004)

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

25.08.2020

Order

1. The petitioner/ accused filed this petition seeking for Bail U/s. 439 Crpc in Crime No.2000/2020, U/sec. 435, 294(b), 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 this accused. This accused was remanded on 19.08.2020 and in judicial custody for past 7 days. This accused is falsely implicated in this case. The value of the property is not mentioned in the FIR. No damage was caused to the property. Due to previous enmity this case has been foisted against this accused. 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 Investigation is pending in stage. Four previous cases pending against this accused is same PS in and are case is pending in Karimedu PS. The details are submitted by the police reply. He is a habitual offender. In this stage if this accused/ petitioner released on bail he may commit the same offence. And he may abscond which leads prosecution can collapsed. And he may tamper the evidence and witness. And this petition filed U/s. 439 Crpc. This Hon'ble court has no right to U/s. 439 Crpc. Hence this bail petition may be dismissed.

4) This court has taken into consideration the facts and circumstances of the case and gravity of offence. On considering all the above facts and 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 him executing own bond for Rs.10,000/- to the satisfaction of Superintendent, Central Prison, Madurai.

.3.

5) Further within 2 weeks 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 tamper the evidence, 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.

Dictated by me to the Steno-typist and typed by her in computer directly and corrected and pronounced by me on this 25th day of August 2020.

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

Copy to
The Superintendent,
Central Prison,
Madurai.