

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Friday, 24th day of July , 2020

Crmp.No. 570 / 2020

Ammanulla

S/o. Beermohamed

.... Petitioner/Accused

Vs

State rep. by Inspector of police,

Appanthirupathi Police Station,

Crime No. 714/2020

U/sec. 379 of IPC .

... Respondent/Complainant

For petitioner/accused: Tr.J.Peer Mohammed, Advocate (MS.2358/2008)

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

Prosecutor

24.07.2020

Order

1) The petitioner/ accused filed this petition seeking for Bail U/s. 437 Crpc in Crime No.714/2020, U/sec.379of IPC. 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. The accused was remanded on 18.07.2020 and in judicial custody for past 7 days. This accused has been falsely implicated in this case due to previous enmity. Property has been recovered. The other accused in this case has been enlarged on bail by this Hon'ble Court . There is no previous case against this accused. This accused is law abiding citizen. There is no chance of absconding or tampering with the witness if the accused is enlarged on bail. Hence considering all the above facts the petitioner prayed that this bail petition may be granted.

3) The prosecution in their reply and in their argument has stated that investigation of this case is pending in stage. In this stage if this accused is released on bail he may commit the same offence and he may tamper the evidences and witnesses and he may abscond which leads prosecution case collapse. Hence, the prosecution prayed that this bail petition may be dismissed.

4) This court has taken into consideration the facts and circumstances of the case, gravity of offence, the nil previous antecedents of the accused, that the property has been

recovered and the other accused has been released on bail. Hence, 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, Sub jail, Melur.

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 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.PravinKumar
Judicial Magistrate No.V,
Madurai

Copy to
The Superintendent,
Sub jail, Melur.