

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Tuesday 24th day of November 2020

Crmp.No.1135 / 2020

1. Sona,

W/o.Chandrasekar

2. Uthayakumari,

W/o.Manikkavasakam

...Petitioners/ Accused

vs

State rep. by Inspector of police,

S.S.Colony crime Police Station,

Crime No.2425/2020

U/sec. 379 IPC

Respondent/Complainant

...

For petitioners/accused: Mr.AK.Alagarsamy,Advocate

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

24.11.2020

Order

1. The petitioners/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.2425/2020, U/sec.379 IPC. Notice was given to the other side. Heard both side arguments.

2. The learned counsel for the petitioners argued that this is the second bail application filed for these accused. These accused were remanded on 08.11.2020 and in judicial custody for past 17 days. These accused are falsely implicated in this case. The property has been recovered. Due to previous enmity this case has been foisted against these accused. The police has falsely implicated these accused in this case. The accused are law abiding citizen. There is no chance of absconding or tampering the witness if the accused enlarged on bail. 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/petitioners on bail for the following reason. As per IO's report investigation is pending in stage. One of the accused is

still in absconding stage. She is yet to be arrested by IO . And one cell phone is yet to recovered from that absconding accused. Already bail petition filed by these accused was dismissed by this Hon'ble Court. There is no change of circumstances. In this stage if these accused are released on bail they may commit the same offence. And they may tamper the evidence and witness. And they may absconded which leads prosecution case collapse. 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, and change in circumstances and the number of days accused in judicial custody. Hence in the interest of justice, this Court is inclined to enlarge the accused persons on bail on following conditions.

1. These accused shall execute a bond for a sum of Rs.10,000/- each with two sureties for the like sum each.
2. Thereafter, these accused shall provide their residential address to the respondent police and in change of the residential address the same shall be intimated to the respondent police. These accused shall co-operate with the respondent police, they shall not tamper the evidence, they 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 their discretion to approach this court for cancellation of bail order.

Dictated by me to the Steno-typist and typed by her in computer directly and corrected and pronounced by me in open court on this 24th day of November 2020.

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