

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

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

Judicial Magistrate No.V, Madurai

Friday 26th day of February 2021

Crmp.No.885/2021

Manishkumar,  
S/o.Sivapandi krishnan

...Petitioner/ Accused

vs

State rep. by Inspector of police,  
Appanthiruppathy Police Station,  
Crime No.37/2021  
U/sec. 420 IPC

... Respondent/Complainant

For petitioner/accused: Ponmazhi Selvan,Advocate

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

26.02.2021

**Order**

1. The petitioner/ accused filed this petition seeking for Bail U/s.437 Crpc in Crime No.37/2021, U/sec.420 IPC. Notice was given to the other side. Heard both side arguments.

2. The learned counsel for the petitioner argued that this is the second bail application filed for this accused. The accused was remanded on 05.02.2021 and in judicial custody for past 22 days. This accused is falsely implicated in this case. The property has been recovered. Due to previous enmity this case has been foisted against this accused. The police has falsely implicated these accused in this case. The accused is 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. On the other hand the prosecution strongly object to release the accused on bail for the following reason. As per IO's report investigation of this case is pending in stage one of the accused of this case is still absconding stage. Remaining case property yet to be recovered by the IO. Already bail petition filed by this accused was dismissed by this Hon'ble court. There is no change of circumstances. In this stage, if this accused released on bail he will commit the same offence. And he may absconded. And he may tamper the evidence and witnesses. And he may absconded which leads prosecution case collapse. Hence this bail petition may be dismissed.

.2.

4. This court has taken into consideration the arguments on both sides, the facts and circumstances of the case, gravity of offence, one of the accused is still absconding and remaining case property yet to be recovered and there is no change in circumstances. The case is under investigation stage. Considering 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 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.

6. In the result this bail petition is dismissed.

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 26th February 2021.

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