

In the Court of the VI Additional Sessions Judge
Madurai

Present: Thiru.T.Sambath Kumar Bsc., LLB
VI Additional Additional Session Judge

Dated: 21.07.2020

CrI.M.P.No: 636/2020

in Cr.No. 130/2012 of
Nagamalai Pudhukottai P.S.
(S.C.392/2017)

Thirupathy Aged 39/2020,
S/o.Balu,
Ambedkar Colony,
Vadapalanchi,
Madurai.

:Petitioner

.. Vs..

State represented by Inspector of Police
Nagamalai Pudhukottai P.S. Crime No: 130/2012

:Respondent

Petition filed u/s 439 Crpc. for bail.

This petition coming on for hearing on 21.07.2020 in the presence of Advocate Thiru.Giri for the petitioner and Thiru.N.Siva Murugan the learned Additional Public Prosecutor for the respondent and having stood over for consideration this court delivered the following.

ORDER

The counsel for the petitioner submitted that the Respondent Police registered a case against the Petitioner/ Accused u/s.302, 201, r/w 34 IPC and the petitioner was unable to appear before this Court and a Non-bailable warrant was issued on 21.7.2017 and in execution of NBW the petitioner was arrested on 24.01.2019 and remanded to judicial custody on 25.01.2019 and the earlier bail petition was dismissed and for the past 535 days he is in judicial custody and the novel Corona virus Covid-19 is spreading rapidly in and around Madurai and there is a chance of spreading the virus in the Central Prison at Madurai if so the petitioner will be seriously affected and the petitioner undertakes to appear before the court regularly and the petitioner has means and the petitioner will not tamper with the witnesses and prayed for releasing the petitioner on bail.

In reply the learned Additional Public Prosecutor vehemently opposed to grant bail as the petitioner murdered his own two children on 08.04.2012 and arrested and remanded to judicial custody and released on bail and since he was absent on

19.02.2013 and NBW was issued and on 27.04.2017 he was declared as proclaimed offender and subsequently he was arrested on 25.01.2019 and remanded to judicial custody and if he is released on bail it will endanger the life of defacto complainant and he will tamper with the evidence and will also abscond and prayed for dismissing the petition.

Case records perused. Case has been registered u/s.302, 201, r/w 34 IPC. Date of occurrence is 08.04.2012. As per the prosecution case the petitioner/Accused murdered his own two children. The petitioner has already been arrested and remanded to Judicial custody and subsequently released on bail by the learned Judicial Magistrate No.VI Madurai as per the order passed in Cr.M.P.5813/2012 and Since he did not attend the court on 19.02.2013, Non bailable warrant was issued and subsequently he was declared as proclaimed offender and on 25.01.2019 he was arrested in execution of NBW he was remanded to Judicial custody. The petitioner is in custody for more than 14 months. Investigation completed and final report filed and the case has been taken cognizance by the court of sessions as S.C.392/2017 and trial commenced and so far 4 witnesses have been examined on the side of the prosecution. The learned Additional Public Prosecutor opposed that if the petitioner is released on bail it will endanger life of defacto complainant. The petitioner has been already declared proclaimed offender. If he was released on bail he will make attempt to tamper with the evidence and will also evade the process of the court. The petitioner has not appeared before the court regularly. Prosecution has strongly objected to release the petitioner on bail. This is not a fit case to release the petitioner on bail considering the Covid-19 virus impact. Considering the past conduct of the petitioner and also considering the objection of the prosecution this court is not inclined to grant bail to the petitioner. Hence considering the facts and circumstances this petition is dismissed.

Pronounced by me in open court on this 21st day of July 2020.

Sd/- T.Sambath Kumar
VI Additional Sessions Judge,
Madurai.

Copy to :

The Inspector of Police Nagamalai Pudhukottai.

