

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, MADURAI.

PRESENT: THIRU. M.THANDAVAN, B.L.,

(I Additional District & Sessions Judge, Madurai)

PRINCIPAL SESSIONS JUDGE (i/c.) MADURAI.

(AUTHORISED U/S.10(3) OF CR.P.C.)

Thursday, this the 20th day of August -2020.

CrI.M.P.No.3450/2020

Muthukumar, S/o. Subramani

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Alanganallur, P.S. Cr.No.113/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.R.Godeeswaran, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail application u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 294(b), 302 and 506(ii) of IPC .

3. Heard.

4. The case of the petitioner is that totally there are two accused in this case, the petitioner is A2, the date of occurrence was on 23.2.2020 and the accused was remanded into judicial custody on 22.6.2020, he is in custody for the past 60 days, The petitioner has not committed any offence as stated by the prosecution. There were 15 cases pending against the deceased in several police stations. The deceased was having illegal intimacy with the wife of the 1st accused. The name of the petitioner is missing in the F.I.R. and his name is subsequently implicated in this case on the basis of the confession statement given by the 1st accused. The petitioner is a B.E. graduate working in a Bank. The co-accused/A1 was granted bail by this Court in Cr.M.P.No.2800/2020

dated: 8.6.2020. The petitioner is ready to abide by any condition imposed by this court and prays to grant bail.

5. It is argued on the part of the respondent that the date of occurrence was on 23.2.2020, the defacto complainant is the mother of the deceased and the occurrence happened in the night and the AI was arrested and has given confession stating about the involvement of this accused Muthkumar in this case. The case of the prosecution is that due to motive, the AI conspired with the petitioner/A2 to commit murder of the deceased. At the time of occurrence, the AI stabbed the deceased and severed the head, it was seen by the defacto complainant and the relative of the defacto complainant. On seeing the witnesses, the petitioner was hidden and hence, his name was not mentioned in the F.I.R. Admittedly, the name of the petitioner has been added in this case on the basis of the confession statement given by the 1st accused. He was absconded and arrested only on 22.6.2020. The learned public prosecutor raised strong objection. Therefore, considering the gravity of offence, and strong objection on the part of the respondent, the petition deserves to be dismissed.

6. In the result, the bail Petition is dismissed.

Pronounced by me in Camp Court on the 20th day of August -2020.

Sd/-M.Thandavan,
Principal Sessions Judge (i/c.),Madurai.

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1. The Judicial Magistrate concerned.