

In the Court of the Principal District Judge, Madurai.

Present : **Thiru.M. Balakumar, B.A., M.L.,**

(V Additional District Judge, Madurai)

Principal District Judge, Madurai. (i/c)

Thursday, this the 10th day of September -2020.

Crl.M.P.No.4056/2020

Ketheeswari @ Amutha,W/o.Sivaraja @ Sakthi ... Petitioner/Accused.

Vs

State through the Inspector of Police,

Austinpatti,P.S. Cr.No.865/2020 ... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.K.Gnanavel, 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 applications u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 302 of IPC.
3. Heard.

4. The learned counsel for the petitioner submitted that the defacto complainant is the daughter of the accused and the deceased person. The deceased person was the husband of the accused. The deceased was doing lorry business and engaged in outside area only. The deceased has developed illegal intimacy with one lady and often phone calls received when he was at his residence. The illegal intimacy of the deceased person was not liked by the accused and she warned her husband in this regard. In spite of that the above said illegal intimacy was continued. On the fateful day of the occurrence, only to threaten her husband she thrown a stone and unexpectedly the occurrence was took place and the petitioner was under judicial custody for the past 48 days and she is under in mental depression. The real intention of the accused is not to murder her husband, originally this case was filed u/s. 307 IPC and subsequently it was altered to 302 of IPC. Now, the defacto complainant who is the daughter has no person to take care of her, she is aged about 21 years. Hence, the bail application has to be considered on the ground that the accused

mentally suppressed and the status of the defacto complainant that no one is available for her to take care.

5. In reply, the learned public prosecutor has argued that the investigation has not completed and also in initial stage and therefore strongly objected to release the accused on bail. On considering the rival submissions and on perusal of the records, the investigation is in initial stage there is no specific document has been produced on the side petitioner that the petitioner/accused in support of her illness. Even as per the arguments of the petitioner counsel, it reveals that the petitioner/ accused is in an emotional stage. Hence, at the earlier stage of investigation, this Court is not inclined to grant bail to the petitioner and the bail petition deserves to be dismissed.

6. In the result, the bail petition is dismissed accordingly.

Pronounced by me in Open Court on the 10th day of September -2020.

Sd/- M. Balakumar

V Additional District Judge, Madurai

Principal District Judge, Madurai.(i/c)

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1. The Judicial Magistrate concerned