

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Monday, this the 18th day of January -2021.

Crl.M.P.No.239/2021

Pandiarajan, S/o.Maruthan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Thirumangalam Town P.S. Cr.No.1184/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.D.Aruljoseph, 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 petition under section 439 of Cr.P.C.
2. The offence alleged is under section 302 of IPC
3. Heard both sides.

4. The learned counsel for the petitioner would submit that the respondent police has registered a case against the petitioners and others in Cr.No.1184/2020 for the offence under section 302 of IPC. The petitioner was arrested and remanded to judicial custody on 20.10.2020 and he is in judicial custody for the past 91 days. The properties have been recovered., investigation is over, hence he prays to grant bail to the petitioners.

5. The learned public prosecutor would submit that the defacto complainant is the father of the deceased as well as the petitioner. The petitioner is none other than the elder brother of the deceased. Due to previous enmity, on 20.10.2020, early morning 3'O clock, while the deceased was sleeping in the upstairs, the petitioner laid a grinding stone on the head of the

deceased Dineshkumar and murdered him. Charge sheet not yet filed and he objected to grant bail to the petitioner.

6. The petitioner is said to have murdered his younger brother Dineshkumar, consequently the present case came to be registered. According to the public prosecutor, charge sheet not yet filed. The petitioner has been in judicial custody for the past 91 days. So considering the duration of the custody of the petitioner, and the above facts, this Court is inclined to grant bail to the petitioner on condition.

7. In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate, Thirumangalam subject to condition that after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.m. until further orders. The petitioner shall co-operate with the investigation and he shall not threaten the witnesses. He shall not induce witnesses and he shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560**. Accordingly this petition is allowed.

Pronounced by me in Open Court on the 18th day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.Thirumangalam.
2. The Inspector of Police, Thirumangalam Town P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.