

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Friday, this the 5th day of June -2020.

CrI.M.P.No.2596/2020

Gunasekarapandi

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Thirunagar P.S. Cr.No.163/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.C.Raja, 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. 201 and 302 of IPC.
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that a case has been registered against the accused in Cr.No.163/2020 of Thirunagar P.S. U/Sec. 201 and 302 of IPC, the petitioner was arrested on 19.3.2020 and he is in judicial custody for the past 79 days, totally 2 accused in this case, the petitioner is arrayed as A2, the date of occurrence was on 17.3.2020 at about 9 a.m., A1 who is the husband of the deceased murder his wife and he was absconded, the mother of the deceased gave complaint against the A1 only, thereafter, A1 was arrested, subsequently, he has given confession statement implicating the petitioner in this case and 201 of IPC would attract to this accused. Per contra, the learned public prosecutor would submit that on 17.3.2020, the A1 strangled his wife's neck with Thuppatta and she fainted, thinking that she was died, A1 called A2 and both tried to hand her as if she committed suicide, but, the deceased had shaken her legs and therefore, A2 left the deceased, thereafter, A1 pressed her with pillow cover and she died on the spot. Substantial part of investigation is over and this

court holds that Al has committed the main offence of murder and this accused along with Al has tried to screen the offence and therefore, section 201 of IPC alone made out as against the petitioner and therefore, considering period of incarceration for the past 79 days, 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 own bond for Rs.10,000/- each to the satisfaction of the **Superintendent, Central Prison, Madurai**. After a period of 6 weeks, the petitioners should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.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 order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in **P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560**. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 5th day of June -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Thirunagar P.S.
3. The Superintendent Central Prison Madurai.
4. The Petitioner through his counsel.