

In the Court of the Principal District Judge, Madurai.

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

Principal District Judge, Madurai.

Tuesday, this the 7th day of July -2020.

Crl.M.P.No.3237/2020

Dharuma (Dharma), W/o.Karuppaiah

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Elumalai P.S. Cr.No.256/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.PAT.S.Iyyappakathirvel, 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 offences alleged are under section 302, 120(b) and 211 of IPC.
3. Heard both sides.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that the respondent police has registered a case against accused in Cr.No.256/2020 U/Sec. 302, 120(b) and 211 of IPC. Further, the learned counsel for the petitioner has submitted that the date of occurrence was 21.4.2020. The petitioner was arrested and remanded to judicial custody on 29.4.2020 and she is in judicial custody for the past 70 days. There are totally 3 accused in this case. The petitioner is A1. She is the daughter-in-law of the deceased, the A2 is the family friend of A1 and the A3 is the son of the deceased. Investigation is almost over and prays to grant bail to the petitioner.

5. The learned public prosecutor while advancing his argument has stated that the petitioner/A1 is main accused in this case. The A3, who is the son of the deceased has lodged complaint before the Elumalai police station on 21.4.2020. On enquiry, it is found that the accused have involved in the offence and all the three accused appeared before the VAO and they have given extra Judicial Confession on 29.4.2020 and in the said confession, A1 and A3 have confessed the crime and made the A3 to lodge a complaint against one Viswanathan. He strongly objected to grant bail to the petitioner. In reply, the learned counsel for the petitioner would submit that co-accused have been granted bail by this Court in Cr.M.P.Nos.3134/2020 & 3186/2020 dated: 30.6.2020 & 1.7.2020. Considering the fact that substantial part of investigation is over, the co-accused have been granted bail by this Court and incarceration period of the accused for the past 70 days, this Court is inclined to grant bail to the petitioner on condition.

5. In the result, the Petitioner is ordered to be enlarged on bail on his executing an own bond each for Rs.10,000/- to the satisfaction of the **Superintendent, Sub Jail, Nilakkottai.(for woman)** After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond each for Rs.10,000/- 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 7th day of July -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Elumalai P.S.
3. The Superintendent, Sub Jail, Nilakkottai.(for woman)
4. The Petitioner through his counsel.