

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 14th day of August -2020.

CrI.M.P.No.3456/2020

C.Sivaprabhu, S/o.Chakkaravarthi

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Thirumangalam Town P.S. Cr.No.330/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Thirunavukkarasu, 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. 306 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.330/2020 of Thirumangalam Town P.S. U/Sec. 306 of IPC. Totally 3 accused in this case. The petitioner is arrayed as A1 and he is the husband of the deceased. A2 is the father-in-law and A3 is the mother-in-law and they have been enlarged on bail by this Court. The marriage of the deceased and the petitioner was solemnized even in the year 2013. Already co-accused/A2 and A3 were granted bail by this Court in Cr.M.P.No.3262/2020 dated: 9.7.2020 and prays to grant bail to the petitioner.

5. The learned public prosecutor would submit that the date of occurrence was on 16.6.2020 and this accused is the husband of the deceased.

The name of the deceased is Iswarya and she consumed poison and committed suicide. There are 2 children born to the deceased and the petitioner. The petitioner is having illicit intimacy with the another lady in the same locality. Hence, there was quarrel between the deceased and the petitioner and the deceased consumed poison. The mother of the deceased lodged complaint before the police station. A2 and A3 are living separately and they were not living along with the deceased. The RDO report and the Panchayathars statements reveal that the deceased committed suicide since her husband is having illicit intimacy with another lady. The petitioner is the main accused in this case. Investigation is pending and he strongly objected to grant bail to the petitioner. The petitioner is in judicial custody for the past 58 days. Substantial part of investigation is over. Considering the incarceration period of the petitioner for the past 58 days, this court is inclined to grant bail to the petitioner on condition.

6. In the result, the Petitioner is ordered to be enlarged on bail on his executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent, District Jail, Virudhunagar.** After a period of 6 weeks, the petitioner 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 14th day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Thirumangalam Town P.S.
3. The Superintendent, District Jail, Virudhunagar.
4. The Petitioner through his counsel.