

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.3643/2020

K.Arumugam, S/o.Kaliappan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Austinpatti P.S. Cr.No.334/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Ramkumar, 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 342 and 302 of IPC.
3. Heard both sides.

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.334/2020 of Austinpatti PS. U/Sec. 342 and 302 of IPC. The date of occurrence was on 11.6.2020. The petitioner was arrested on 12.6.2020 and he is in custody for the past 64 days. The learned counsel for the petitioner has submitted that the date of occurrence was 11.6.2020 at the early morning 2.00 p.m., and FIR in this case was registered on the very same date about 10.00 hours, that there are totally 2 accused in this case. The petitioner is A1. The defacto complainant is the mother of the deceased. A1 is the relative of the deceased and A2 is the wife of the deceased. It is stated that A2 is having illegal intimacy with A1 and that was warned by the deceased and the defacto complainant and that on the alleged date of occurrence, the body of the deceased was seen by the defacto complainant and there after, she lodged a

complaint and there is no eye witness in this case. Already co-accused/A2 has been granted bail by this Court in Cr.M.P.No.3316/2020 dated: 6.8.2020.

5. The learned public prosecutor would submit that the date of occurrence was 11.6.2020 in the mid night. The petitioner/A1 who is the relative of the deceased, slept outside of the house. The defacto complainant is the mother of the deceased who is slept in the same house. The 2nd accused was sleeping in the same house. There was an illegal intimacy with A1 and A2, which was warned by the defacto complainant and the deceased. That on the date of occurrence, on hearing alarm of the deceased, the defacto complainant came out of the house and she saw the 1st accused strangulated the deceased and the 2nd accused pressed the deceased with pillow.

6. In reply, the learned counsel for the petitioner would submit that it is clearly stated in the FIR, that the deceased body was seen by the defacto complainant in the next morning and there after, she lodged complaint and therefore, the defacto complainant would not be an eye witness.

7. The learned public prosecutor raised strong objection by stating that the petitioner is the prime accused in this case and there are 49 previous cases pending as against the petitioner. Therefore, considering the grave nature of offence and bad antecedents of the petitioner and overt act on the part of the petitioner, this Court is not inclined to grant bail to the petitioner.

8. In the result, the bail petition is dismissed.

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.