

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.

Crl.M.P.No.3644/2020

Sankareswaran, S/o.Samayan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Villoor P.S. Cr.No.740/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.B.Duraipandi, 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 under section 439 of Cr.P.C.
2. The offences alleged are under section 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.740/2020 of Villoor PS. U/Sec. 302 of IPC. The date of occurrence was on 15.6.2020. The petitioner was arrested on 16.6.2020 and he is in custody for the past 60 days. The case of the petitioner is that initially F.I.R. was registered u/s. 174 Cr.p.c., the deceased was found in the well of the petitioner, the defacto complainant is the wife of the deceased, the deceased consumed alcohol and fell in the well, there was a civil dispute between the parties, the petitioner is not concerned with the alleged offence u/s. 302 of IPC and he prays to grant bail.

5. The learned public prosecutor while advancing his argument has submitted that the F.I.R. registered in this case on 15.6.2020, from 13.6.2020 night the husband of the defacto complainant was missing, so that she gave complaint and F.I.R. registered u/s. 174 Cr.p.c., on 17.6.2020 the accused

appeared before the VAO and gave extra judicial confession stating that he gave alcohol to the deceased and pulled down him into the well, due to that the deceased died, there is clear motive between the accused and deceased. Hence, the public prosecutor raised strong objection in granting bail to the petitioner. The petitioner is in custody for the past 60 days. Substantial part of investigation is over. Therefore, considering the period of incarceration of the petitioner for the past 60 days and substantial part of investigation is over, 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, Villoor P.S.
3. The Superintendent, District Jail, Virudhunagar.
4. The Petitioner through his counsel.