

In the Court of Sessions Judge, Mahalir Neethimandram, Madurai
Present TMT J.Flora.M.L

Dated this the 13th day of May 2020

E-Crl.MP.No. 2/2020

Alaguraja,
S/o. Thambirajan

Petitioner/Accused

/ Vs/

State through the
Inspector of police
Thirupparakundram P.S
Madurai District,
In crime no. 46/2009

Respondent/Complainant

ORDER

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 29.09.2018 for alleged offence punishable u/s 302 IPC. The petitioner was already granted bail on 24.03.2020, with direction to execute a bond with two sureties. Now the petitioner's counsel seeks modification, to release the accused on own bond.

The learned counsel for petitioner contended that due to COVID-19 pandemic situation the order may be modified whereas the learned Public Prosecutor contended that as the offence is u/s 302 IPC insisted for surities.

Perused the case records. The petitioner/accused has been charged for the offence u/s 302 IPC for murdering his own wife. Already 18 witnesses had been examined on the side of prosecution and the accused has been questioned u/s 313 Cr.P.C and the case is posted for defence witness. It is pertinent to note that PW16, PW17 and PW18 though they were examined in chief on 6.11.2017, 14.2.2018 and 31.7.2018 they have not been cross examined till date. The petitioner/accused is in the habit of changing his counsel frequently. As he had not cross examined PW16, PW17 and PW18 till date, the case had come to a standstill, despite he being questioned u/s 313 Cr.P.C on 9.8.2018 .It is further noted that the petitioner/accused is frequently absent before this court for the hearings and so NBW has been issued against the accused and the same has been

executed on 15.2.2019. Since the petitioner/accused has been deliberately dragging on the case unnecessarily and frequently changing his counsel, this petition to modify the previous condition and release the petitioner/accused on own bond cannot be entertained and therefore this petition is liable to be dismissed.

In the result , the petition is dismissed.

Sd/- J.Floro.
Sessions Judge(FAC)
Mahalir Neethimandram,
Madurai

To
The Superintendent
Central Prison, Madurai through E.Mail.
The Counsel for the petitioner thro' E.Mail.