

In the Court of the Principal District Judge, Madurai.

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

Principal District Judge, Madurai.

Monday, this the 4th day of May 2020.

CrI.M.P.No.1953/2020

1. Chellakannu

2. Annakkili

... Petitioners/Accused.

Vs

State through the Inspector of Police,

M.Kallupatti P.S. Cr.No. 63/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Kubendiran, 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 u/s. 439 of Cr.p.c.

2. The offences alleged are U/s. 341, 294(b), 302 of IPC.

3.Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioners would submit that a case has been registered against the accused in Cr.No.63/2020 of M.Kallupatti P.S U/s. 341, 294(b), 302 of IPC, the petitioners were arrested on 26.3.2020 and they are in judicial custody for the past 40 days, totally 3 accused in this case, the petitioners are arrayed as A2 and A3, and they are parents of A1, the petitioners only uttered filthy languages as against the defacto complainant. The learned public prosecutor while advancing his argument has stated that the 1st petitioner caused stab injury on the back of the deceased, there was a wordy quarrel between the accused and the defacto complainant, the defacto complainant's son was residing at Thiruppur and he has got a contract order, due to that motive, the accused have committed the murder of the defacto complainant's son. The learned counsel for the petitioners would submit that there is no specific overt act on the part of the 2nd petitioner Annakili, other than she was present in the occurrence place and she was nothing to do with 302 of IPC. Considering the overt act on the part of the 2nd

petitioner and she uttered only filthy languages and considering the incarceration period of the 2nd petitioner for the past 40 days, this court is inclined to grant bail to the 2nd Petitioner on condition. As far as the 1st petitioner is concerned, considering the specific overt act against him, this Court is not inclined to grant bail to him.

5. In the result, the 2nd Petitioner is ordered to be enlarged on bail on her executing own bond for Rs.10,000/- to the satisfaction of the **Superintendent, Central Prison, Madurai.(women)** After a period of 8 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond 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 she shall not threaten the witnesses, she shall not induce witnesses and she 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.

6. As far as the 1st petitioner is concerned, the bail petition is dismissed.

Pronounced by me in Camp Court on the 4th day of May 2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, M.Kallupatti P.S.
3. The Superintendent, Central Prison, Madurai.(women)
4. The Petitioner through his counsel.