

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 4<sup>th</sup> day of May 2020.

CrI.M.P.No.2167/2020

1. Vairamurugan, S/o.Singathevar
  2. Singathevar, S/o.Sivanandi
- .. Petitioners/Accused.

Vs

State through the Inspector of Police,

Checkanoorani P.S. Cr.No.119/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.O.D.Rajkumar, 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. 120(b), 302 & 201 of IPC.

3. Heard.

4. The learned counsel for the petitioners would submit that a case has been registered against the accused in Cr.No.119/2020 of Checkanurani P.S. U/Sec. 120(b), 302 & 201 of IPC, the date of occurrence was on 5.3.2020, the petitioners were arrested on 15.3.2020 and they are in judicial custody for the past 51 days, already A2 has been enlarged on bail by this Court on 1.5.2020 substantial part of investigation is over and prays to grant bail.

5. Per contra, the learned public prosecutor would submit that there are totally 3 accused in this case and the petitioners are arrayed as A1 and A3 in this case. The petitioners are husband and mother-in-law of the 2<sup>nd</sup> accused. A premature child was born to the 2<sup>nd</sup> accused and his husband on 30.1.2020 and they are already having a premature child, on 2.3.2020, it was informed to the VAO that the child was murdered by the accused and extra judicial confession was given by them and the VAO produced the accused before the Chekkanurani police station along with the extra judicial confession and section

has to be altered to under section 315 of IPC, investigation is pending and he placed his objection.

6. Considered the argument of the both sides. The learned public prosecutor while advancing his argument has stated that the section is to be altered under section 315 of IPC, and the case was registered under section 302 of IPC. One of the co-accused was already granted bail by this Court in Cr.M.P.No.1745/2020 on 1.5.2020. The petitioners are is in judicial custody for the past 51 days. Considering period of incarceration for the past 51 days, and substantial part of investigation is over and also considering the fact that the Co-accused has been enlarged on bail,, this Court is inclined to grant bail to the petitioners on condition.

7. In the result, the Petitioner is ordered to be enlarged on bail on their executing own bond for Rs.10,000/- each to the satisfaction of the **Superintendent, Central Prison, Madurai**. After a period of 7 weeks, the petitioners 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 petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioners shall co-operate with the investigation and they shall not threaten the witnesses, they shall not induce witnesses and they 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 4<sup>th</sup> day of May 2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Checkanurani P.S.
3. The Superintendent, Central Prison, Madurai
4. The Petitioner through his counsel.

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, Checkanoorani P.S.
3. The Superintendent, District Jail, Ramanathapuram.
4. The Petitioner through his counsel.