

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.2069/2020

Sivamuthu, S/o.Annasamy

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Peraiyur P.S. Cr.No.80/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.D.S.Haroon Rasheed, 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. 294(b) and 302 of IPC.

3.Heard.

4. The learned counsel for the petitioners would submit that a case has been registered in Cr.No.80/2020 of Peraiyur P.S U/s. 294(b) and 302 of IPCagainst the accused, the petitioner was arrested on 27.2.2020 and he is in judicial custody for the past 68 days. Due to motive with regard to take lease of the palm grove the occurrence had happened. Investigation is over, the petitioner is having two children aged about 9 and 7 years, and he has no previous case, hence he prays to grant bail to the petitioner.

5. The learned public prosecutor would submit that the deceased was aged person and there was motive between the deceased and the petitioner due to lease out of palm grove and the petitioner cut the deceased with aruval on the hand of the deceased and the hand was separated and murdered him, it is a brutal murder in the presences of eye witnesses. Investigation is pending and he strongly objected to grant bail to the petitioner.

6. Considered the argument of the both sides. The petitioner has been in judicial custody for the past 68 days. Considering the incarceration period of

the petitioner for the past 68 days, and the substantial part of investigation is over, and the fact that the petitioner has no previous bad antecedents, this court is inclined to grant bail to the Petitioner on condition..

5. 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, Central Prison, Madurai**. 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 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 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, Peraiyur P.S.
3. The Superintendent Central Prison, Madurai.
4. The Petitioner through his counsel.