

IN THE COURT OF VACATION SESSIONS JUDGE (PRINCIPAL DISTRICT SESSIONS JUDGE)
RAMANATHAPURAM.

PRESENT: Thiru.R.Shanmugasundaram, B.Com., L.L.B.,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

திருவள்ளூர் ஆண்டு 2052 தமிழ் ஸ்ரீ பிலவ ஆண்டு சித்திரை மாதம் 30-ம் நாள் வியாழக்கிழமை

Thursday, the 13th day of May 2021

Cr.M.P.No. 60 of 2021

Muthuraj @ Muthurasu, aged about 33 years, S/o. Arumugam, Jothiyanthal,
Chathirakudi, Paramakudi Taluk, Ramanathapuram District.

...Petitioner/ Accused

/vs/

State, through the Inspector of Police,
Chathirakudi P.S.
in Cr.No. 80/2021

...Respondent/Complainant

For petitioner : Thiru.S.Shanmuganathan, Advocate.
For respondent : Thiru.K.N.Karunakaran, Public Prosecutor

**PETITION FILED ON 11.05.2021 FOR BAIL U/S 439 Cr.P.C.
ORDER**

The bail application is filed by the Petitioner/Accused in Cr.No. 80/2021 on the file of the respondent police. Notice for the said bail application is given to the Learned Public Prosecutor.

The bail application is taken for hearing in view of the country wide lock-down announced by the Union Government and the State Government in view of COVID-19 threat perception and hearing of the bail application is made through Jitsi Meet, sitting in open Court and connected through Jitsi Meet to connect to both sides counsels through the technology support of the System Officer.

Both sides arguments were heard through Jitsi Meet Call.

The respondent police has filed a case against the petitioner in Crime No. 80/2021 under sections 302 and 393 of Indian Penal Code.

The prosecution case is that on 28.03.2021 at about 09.45 p.m., the petitioner and the deceased are the associates. The petitioner is a sorcerer and he took the deceased for sorcery and he killed him with sickle.

The learned counsel for the petitioner would submit that the petitioner has falsely been implicated in this case and the petitioner is an innocent. The petitioner is a painter and also a part-time sorcerer. The deceased is a conductor. They are the associates. He has no previous case and he is in no way connected with this case and a false case has been foisted against him. Further, he was arrested and remanded on 29.03.2021 and he is in judicial custody for the past 46 days. Further, the petitioner already filed a bail petition before this Court in CrI.M.P.No.874 of 2021 which was dismissed on 08.04.2021 and most of the investigation is completed and he prays to grant bail to the petitioner.

The learned Public Prosecutor has submitted that the petitioner is the sole accused in this case. The petitioner is the painter and he is also part-time sorcerer. The deceased is the conductor. The petitioner and the deceased are the associates. The petitioner used to tell about the future of others and the missing of the articles. The petitioner borrowed a sum of money from the deceased and the same was not returned him. Hence, the deceased questioned the above said money and the same was refused to return him. On 28.03.2021 at about 09.45 p.m., the petitioner went to the deceased's house for sorcery and he assaulted him with sickle and succumbed to his injury. Further, 21 witnesses were examined and the investigation is not yet been completed and an earlier bail application was dismissed by this Court. Hence, he strongly objected to grant bail to the petitioner.

Considering both side submissions, the grave nature of offence and overtact as against the petitioner, the investigation is not yet been completed and there is no change of circumstances from the earlier dismissal order, this Court is not inclined to grant bail to the petitioner.

Hence, this petition stands dismissed.

Pronounced by me in open Court this the 13th day of May 2021.

Sd/- R. Shanmugasundaram,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

Copy to
The Judicial Magistrate, Paramakudi .
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Chathirakudi P.S.
The Advocate concerned.