

**In the Court of the Principal District Judge, Madurai.**

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

**Principal District Judge, Madurai.**

**Friday, this the 3<sup>rd</sup> day of July -2020.**

**CrI.M.P.No.3106/2020**

P.Velmurugan, S/o.Pandi

... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Melur 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.S.Malaimuthan, 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 petition under section 439 of Cr.P.C.
2. The offences alleged are under section 306 of IPC
3. Heard both sides.

4. The learned counsel for the petitioner has submitted that the date of occurrence was 25.1.2020 and the FIR in this case was registered on 31.1.2020 after a lapse of 6 days. The accused was remanded to judicial custody on 11.6.2020, single accused in this case. The marriage between the deceased and the petitioner was solemnized 21 years back. The case of the prosecution is that the petitioner had illicit intimacy with one Parameswari. That on 25.1.2020, the deceased consumed poison and she was taken to a private hospital and there after, she was referred to Government Rajaji Hospital, Madurai for further treatment and she died on 31.1.2020 without responding treatment. The defacto complainant is the mother of the deceased and the deceased had three female children, the youngest one is remaining with the petitioner and the two other are with the defacto complainant. It is stated that the deceased was admitted in the

private hospital on 25.1.2020 and discharged even on 26.1.2020, there after, again she was admitted in the Government Rajaji Hospital on 27.1.2020 and she died on 31.1.2020. Though she remained in the hospital for 5 days, no dying declaration was recorded by the police.

5. The learned counsel for the petitioner would further submit that the petitioner has filed anticipatory bail before the Hon'ble High Court in the month of February and the same was dismissed. The real fact is that the deceased wanted his own brother to get married to her elder daughter Iswarya who is just now 19 years. That was the dispute between the deceased and the petitioner, but not as stated by the prosecution. After the occurrence, that is on 31.1.2020, the said Iswarya was married to her maternal uncle.

6. The learned public prosecutor while advancing his argument has argued that the petitioner moved anticipatory bail before the Hon'ble High Court and the same was dismissed on 10.2.2020 in CrI.O.P.(MD) No.2031/2020. Before dismissing the petition, summons was ordered to the children and appeared before the Court and it was stated that the marriage of the children ought to be solemnized and custodial interrogation of the petitioner is necessary for the purpose of investigation of the case.

7. In reply, the learned counsel for the petitioner would submit that the elder daughter of the deceased was married to her own maternal uncle and the accused was also arrested in this case, and therefore, there is change in circumstances after the dismissal of the anticipatory bail.

8. In reply, the learned public prosecutor would submit that in the remand report, it is stated that there are 2 female children are with the deceased and the marriage of the both children was not solemnized.

9. In reply, the learned counsel for the petitioner would submit that after 31.1.2020, the marriage of the elder daughter was solemnized and that

subject was even stated in the order of the Hon'ble High Court in Crl.O.P. (MD) No.2031/2020 dated 10.2.2020.

10. In the above circumstances, considering the incarceration period of the petitioner for the past 23 days and substantial part of investigation is over, and also considering the fact that the elder daughter of the petitioner was married to her maternal uncle and the younger daughter is with the petitioner, and he has to take care of his younger daughter who is a minor, this Court is inclined to grant bail to the petitioner on condition.

11 In the result, the Petitioner is ordered to be enlarged on bail on his executing an own bond for Rs.10,000/- to the satisfaction of the Superintendent, Central Prison, Madurai . After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond each 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 3<sup>rd</sup> day of July -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

**Copy to**

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