



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2344 of 2018

JOHN THOMAS

... PETITIONER / ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.301 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.F.DEEPAK, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate (Crl.Side)
For Intervenor : M/S.A.THIRUVAIKUMAR, Advocate

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

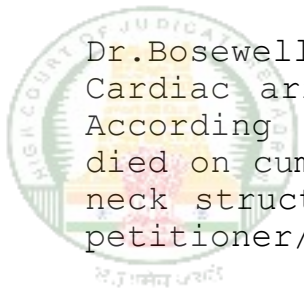
ORDER : The Court Made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 06.10.2016 for the offence punishable under Sections 302, 109 and 201 I.P.C., in Crime No.301 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.10.2016, one Kanagaraj, aged about 73 years was died in a suspicious circumstances in the Penthacostha Mission building. Subsequently, the Sipcot Police registered a case for the offence under Section 174 Cr.P.C., and thereafter it was altered into Sections 302, 109 and 201 I.P.C.,

3.The learned counsel appearing for the petitioner submitted that the petitioner/A4 is a religious Pastor was working in the Palayamkottai Ceylon Penthacostha Church, Thoothukudi. On the basis of the confession statement given by A1, this petitioner has been implicated in this case. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he is in judicial custody from 05.10.2016 onwards. Hence, he prays for bail.

4.The learned counsel appearing for the Intervenor submitted that on 05.10.2016, the deceased, namely one Kanagaraj aged about 73 died in a suspicious circumstances in the Penthacostha Mission building. He further submitted that A4, namely John Thomas has produced the death certificate of Pastor Kanagaraj issued by One



Dr. Bosewell Selvanayagam alleging that the deceased was died due to Cardiac arrest between 12.00 midnight and 2.00 a.m on 05.10.2016. According to postmortem report, it reveals that the deceased was died on cumulative effects of smothering and fatal pressure over the neck structures. Hence, he vehemently opposed to grant bail to the petitioner/A4.

5. The learned Government Advocate (Criminal side) appearing for the State submitted that there are totally four accused were involved in the occurrence and this petitioner is arrayed as A4. He further submitted that A1 is the Junior Pastor and A4 is the immediate Junior Pastor. For getting the post of Chief Pastor, the offence was committed by the accused persons. At the instigation of other accused, this petitioner got the medical certificate from the Doctor as the deceased was died due to massive attack. According to him part of the investigation is completed.

6. The submissions made by the learned counsel appearing on either side are considered. The petitioner was working as a Junior Pastor. As per submission made by the learned Government Advocate (Crl. Side) that at the instigation of other accused, the petitioner committed this offence. According to prosecution, after the death of Chief Pastor, who is the deceased in this case, the same was disclosed by this petitioner as the Chief Pastor was died naturally. Only on agitation, the postmortem was conducted, then only the real picture came to the light that the deceased was died due to the strangulating. Even though part of the investigation is completed, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
20/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP (MD) No.2344 of 2018
Date : 20/02/2018