



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.749 of 2018

THIRUPPATHY

... PETITIONER/ACCUSED No.5

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
(CR.NO.282 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

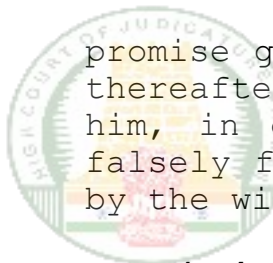
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / Accused No.5, who was arrested on 19.12.2017 for the offences punishable under Section 174 Cr.P.C., @ into Sections 143, 365, 342, 306 and 201 of I.P.C., in Crime No.282 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.09.2017, at about 10.00 a.m., V.A.O of Sithargalnatham found a dead body near the coconut grave of one Jeyarajmurugan and on enquiry, they found that the deceased namely, one Jagupar Ali, belongs to kanyakumari District Further, on 28.09.2017, wife of the deceased identified the body and she gave a statement that her husband cheated numerous persons by getting a job and one of the affected person Jeyakumar and Sivakumar kidnapped her husband, took him to the house of the first petitioner and induced him to commit suicide. Thereafter, they put the dead body in the bush at Anaipatti-kuruvithurai road for screening the offence, thereby, the respondent police registered a case against the petitioner and he was arrested and remanded to judicial custody.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence. He further submitted that the name of the petitioner not found place in the FIR, that the defacto complainant on the false



promise getting job for the accused nos.2 and 3 received amount and thereafter, cheated him for that, a criminal case is pending against him, in order to escape from the above case, this case has been falsely foisted against the accused on the basis of complaint given by the wife of the deceased.

4.The learned Government Advocate (Criminal side) submitted that totally eight accused in this case. All other accused person were released on bail by Judicial Magistrate No.I, Nilakottai. He further submitted that investigation is not yet completed.

5.Considering the submissions made on either side, it seems that a case has been registered against the petitioner for the offences under Sections 174 Cr.P.C @ into Section 143, 365, 342, 306 and 201 of I.P.C., and he is in judicial custody from 19.12.2017 to till date. As per the submission made by the learned Government Advocate, the other seven accused person were already released on bail by the Judicial Magistrate No.I, Nilakottai. So far, the investigation is not completed.

6.Considering the gravity of offence committed by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai.

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
17/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, NILAKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION, DINDIGUL DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.838

ORDER

IN

CRL OP(MD) No.749 of 2018

Date :17/01/2018

PK/VR/SAR-4/18.01.2018 : 3P/7C