



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.809 of 2018

1 VIRALVETTI @ SUNDARAPANDI

2 YETTAIYA @ MAYAKRISHNAN

... PETITIONERS/ ACCUSED 2 & 3

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE,

NATHAM POLICE STATION,

DINDIGUL DISTRICT.

CRIME NO.537/2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.J.RAMAMOORTHY Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate (Crl.Side)

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

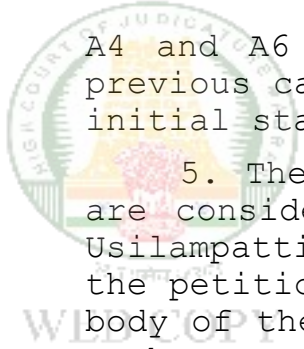
ORDER : The Court Made the following order :-

The petitioners/A2 and A3, who were arrested and remanded to judicial custody for the offences under Sections 302, 201 of IPC @ 147, 148, 120(B), 302, 201 and 34 of IPC., in Crime No.537 of 2017, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 10.11.2017, the defacto complainant namely, Rajendran, who is the Forest Ranger was on duty at Natham Manakattur Karanthamalai Forest area, he found that an unidentified male body was found burning and on enquiry, it was found that somebody might have murdered the male and hence the case has been filed for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent persons and he has been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution. He further added that initially the petitioners names were not found in the first information report and later, their names were included. Moreover, there is no specific overtact against the petitioners. Hence, he prays for bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that there are six accused in this case and this is a pre-planned and retaliated murder committed by the accused persons. The specific overtact against these petitioners is that after the said occurrence, these two accused/A2&A3 set fire on the deceased body.



A4 and A6 are still absconding. These petitioners are having one previous case. He further submitted that the investigation is in the initial stage.

5. The submissions made by the learned counsel on either side are considered. It is alleged that the occurrence was happened in Usilampatti Taluk. Thereafter, in order to screening the evidence, the petitioners herein along with other four accused set fire on the body of the deceased and thrown away in the forest area situated at Natham. Further, as per the submissions made by the learned Government Advocate (Criminal side), it appears that the alleged offence was happened in order to retaliated the earlier offence committed by the deceased. The other two accused are not arrested. Accordingly, considering the nature of offence committed by the petitioner, particularly considering the gravity of offence, this Court is not inclined to grant bail to the petitioners. Hence, this Criminal Original Petition is dismissed.

sd/-
23/01/2018

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

TO

1. THE SUB INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.809 of 2018
Date :23/01/2018

MS/PM-PN/SAR.2/31.01.2018/2P.4C