



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.858 of 2018

JOHN THOMAS

... PETITIONER / ACCUSED NO.4

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.F.DEEPAK Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

For Intervenor :MR.A.THIRUVADIKUMAR Advocate

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

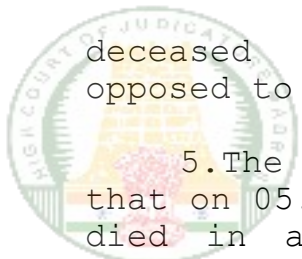
ORDER : The Court Made the following order :-

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. Even in the confession statement, no allegation leveled against this petitioner. The Sipcot Police has falsely included the petitioner/A4 under Section 201 I.P.C in this case. Hence, he prays for bail.

4.The learned Government Advocate (Criminal side) appearing for the respondent police 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. The allegation against A4 is that he got the medical certificate from the Doctor as the



deceased was died due to massive attack. Hence, he vehemently opposed to grant bail to the petitioner.

5.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 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 had died on cumulative effects of smothering and fatal pressure over the neck structures. Hence, he vehemently opposed to grant bail to the petitioner/A4.

6.The submissions made by the learned counsels appearing for either side are considered. The petitioner was working as a Junior Pastor. It is alleged that in order to get the post of Chief Pastor, the petitioner herein along with three other accused had committed this offence. 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. In this regard, status report were filed by the respondent police. In the status report, the respondent police clearly established the progress of the investigation in this case. Further, the involvement of this petitioner came into light after one year from the date of the alleged occurrence. So, all these aspects clearly proves that if this type of petitioner is released on bail, he may be try to tamper the witness and hamper the investigation. According to prosecution, so far as the charge sheet has not been laid in this case. So, 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/-

24/01/2018

/ 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, THOOTHUKUDI DISTRICT.
 - 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.1265

ORDER IN

CRL OP(MD) No.858 of 2018

Date :24/01/2018