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

Date : 27/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD)No.5366 of 2021

Nathish Kumar ... Petitioner/Accused No.1

Vs

State by
The Inspector of Police,
Manaparai Police Station,
Tiruchirappalli District.
In Crime No. 209 of 2020. ... Respondent/Complainant

Alagurani ... Intervene Petitioner/De-facto Complainant
in CRL MP(MD)No.3455 of 2021
in CRL OP(MD)No.5366 of 2021

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.N.Mohan, Advocate

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

PRAYER :- For Bail in Crime No.209 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 29.03.2021 for the offences punishable under Section 306 IPC altered into Section 306 IPC in Crime No.209 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased, who is aged about 17 years, were said to be in love with each other and the same was opposed by the mother of the deceased. On 27.03.2021 at about 05.30 pm., the petitioner along with one Nethaji came to her house and on hearing the noise, the deceased



came out of the house and moved towards to the forest and the accused followed her, the defacto complainant also gone after them. Thereafter, she could not find her daughter. Subsequently, she found the cheppal and shawl belong to her daughter near the well. After some time, the body of the defacto complainant's daughter was found in the well. Therefore, this complaint has been given against the accused alleging that they had kidnapped the deceased and they are responsible for the death of the deceased.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is in custody from 29.03.2021.

4.The learned counsel for the intervenor strongly opposed this petition on the ground that the petitioner and the other accused had kidnapped the deceased and thereafter, she was found dead and the involvement of this petitioner is very clear.

5.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that the co-accused in this case are still absconding and investigation in this case is pending.

6.It is seen from the submission that the deceased was induced by this petitioner to come out of the house and later, she was found dead in a well and the co-accused are absconding. Considering the nature of the offence and the fact that the investigation in this case is in preliminary stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

27/04/2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

2.THE INSPECTOR OF POLICE,
MANAPARAI POLICE STATION,
TIRUCHI DISTRICT.

<https://hcservices.hcma.org/Services/CaseRecords.aspx>



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

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GNS
AE/JC/SAR-II/21.05.2021/3P/4C

ORDER
IN
CRL OP(MD) No.5366 of 2021
Date :27/04/2021