



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

Wednesday, the Sixth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11692 of 2017

REGI @ REGI STEPHEN

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY,

THE INSPECTOR OF POLICE

BOODHALUR POLICE STATION, THANJAVUR DISTRICT.

CRIME NO.146/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 364, 302 and 378 of IPC on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the son of the de-facto complainant was murdered by someone and his dead body was lying near Thodapatti bridge.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he has nothing to do with the alleged occurrence, since the petitioner is the relative to the first accused and his family members are working in the Uniformed Service, purposefully his name was implicated in the F.I.R. He has not overt act the present petitioner. There is no whisper about the involvement of the petitioner in the alleged crime as per the complaint given by the first accused and the second accused.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that the petitioner herein arrayed as A5 in this case and named accused as A4 in the F.I.R. Earlier Anticipatory application moved by the petitioner in Crl.O.P.10917 of 2017 was dismissed by this Court on 16.08.2017. It is further submitted that A1, A2, A6, A7 and A8 were arrested and on their confession only the name of the petitioner has mentioned in the F.I.R. In the F.I.R. also on suspicious by the de-facto complainant the petitioner implicated in this case only on the basis of the witness of Dinseh Babu and the petitioner stating that the



petitioner is said to have kidnapped the deceased along with the other accused. He further submitted that the investigation is still pending.

5. Considering the facts and circumstances of the case and also taking note of the fact that all the accused in this case were arrested has not spoken about the involvement of the petitioner or presence of the petitioner in the occurrence and the petitioner name is mentioned only on the suspicious by the de-facto complaint in the F.I.R, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Thiruvaiyaru on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner shall not abscond either during investigation or trial.

[d]on breach of any of the aforesaid conditions, the learned 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 learned 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/-

06/09/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE,
BOODHALUR POLICE STATION, THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.30192

ORDER IN

CRL OP(MD) No.11692 of 2017

Date :06/09/2017