



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

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12626 of 2017

1 BENJAMIN
2 MILTON
3 KATHIRESAN

... PETITIONERS/ ACCUSED NO.9,10 AND 11

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.

(CRIME NO.146 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioners: M/S.B.JAMEEL ARASU Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

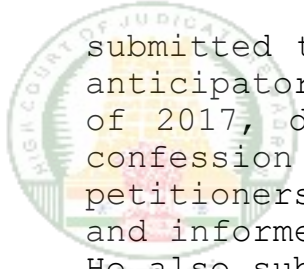
ORDER : The Court Made the following order :-

The petitioners / A9, A10 & A11, who were arrested on 03.08.2017 for the offences punishable under Sections 147, 148, 341, 364, 302 and 404 of IPC in Crime No146 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to some business enmity between the deceased and one Prakash, on 13.07.2017 the petitioners along with other accused have kidnapped the deceased and murdered him.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners' name did not find place in the FIR and on the basis of confession given by the co accused, the petitioners names have been implicated in this case.

4.The learned Additional Public Prosecutor would submit on instructions that initially, FIR was registered against 5 named accused and during investigation, on the basis of confession given by A2, namely Valavanarasu, remaining persons were implicated as accused in this case and totally there are 11 accused and the petitioners herein are arrayed as A9, A10 & A11. He further



submitted that one accused, namely, Regi @ Regi Stephen was granted anticipatory bail by this Court as per order in Crl.O.P.(MD)No.11692 of 2017, dated 06.09.2017. He further submitted that as per the confession of A2, the specific overt act attributed against the petitioners is that they have watched the movement of the deceased and informed the same regarding his arrival to the occurrence place. He also submitted that the investigation is still pending.

5.Considering the facts and circumstances of the case and considering specific over act attributed against the petitioners as per the confession of the co-accused regarding the movement of the deceased and also the gravity of offence said to have been committed by the petitioners, this Court is not inclined to grant bail to the petitioners at this stage. Accordingly, this petition is dismissed.

sd/-
22/09/2017

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION, THANJAVUR DISTRICT.
2. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.31426

ORDER
IN
CRL OP(MD) No.12626 of 2017
Date :22/09/2017

MS/PM-PN/SAR.2/25.09.2017/2P.5C