



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.945 of 2018

CHRISTY ROLEN PRABHU @
PRABHU @ CHRISTY PRABHU

... PETITIONER / ACCUSED No.5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
C-5, KARIMEDU POLICE STATION,
LAW AND ORDER, MADURAI,
IN CRIME NO.647/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.SIVARAMAN Advocate

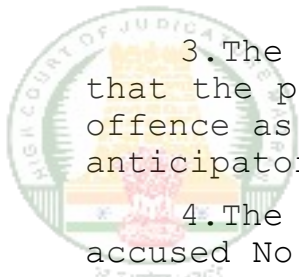
For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A5, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 364, 307, 302 and 201 of IPC., in Crime No.647 of 2017 on the file of the respondent Police and seek anticipatory bail.

2.The case of the prosecution is that the accused No.1 took his mother-in-law Jothi, who is the mother of the defacto complainant, from the hospital to go to VAO's office for getting widow certificate. She was missing from then on. Hence, the defacto complainant lodged a complaint before the respondent police. Later on this first accused along with accused Nos.2 and 3, surrendered before the XVII Metropolitan Court, Chennai. Then, as per the confession made by the accused No.1 to 3, it was came to light that the mother of the defacto complainant was kidnapped and killed by them for the properties belonged to the deceased's father. Accordingly, the offence was altered into the Sections 365, 302 and 201 of IPC. Later one Dinesh, who was implicated as A4 also surrendered himself and he was remanded to judicial custody on 28.09.2017. Thereafter once again the respondent police filed an alteration report on 28.09.2017 by adding sections 147, 364, 307, 302 and 201 of IPC. In the said alteration report this petitioner has been implicated as A5.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and hence, pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl. Side) submitted that the accused No.5 provided a car to the first accused for absconding from the scene of occurrence.

5.The submissions made on either side are considered. It is alleged that during the time of occurrence, the petitioner, being the Head Constable, provided a car to A1 for absconding from the scene of occurrence. Even after knowing the occurrence the petitioner has not intimated the same to any one as a duty full Head Constable. The other aspects with regard to the allegation levelled against him is a matter of evidence. As of now, the investigation is not completed. Hence, custodial interrogation of the petitioner is necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to this petitioner.

6.In the result, this criminal original petition is dismissed.

sd/-
25/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
C-5, KARIMEDU POLICE STATION, LAW AND ORDER,
MADURAI,
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.D.SIVARAMAN Advocate SR.No.1478

JAM/01/02/2018/PM-PN/ SAR 4 / 2P-4C

ORDER
IN
CRL OP(MD) No.945 of 2018
Date :25/01/2018