



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

Wednesday, the Twenty Seventh day of July Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) Nos.12800 and 12810 of 2016

BALAJI

... PETITIONER/ACCUSED No.6&5
IN BOTH THE PETITIONS

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 226 OF 2016 IN CRL OP(MD)No.12800/2016
CR NO. 213 OF 2016 IN CRL OP(MD)No.12810/2016

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

FOR PETITIONER : M/S.DHANA LAW ASSOCIATES
IN BOTH THE PETITIONS

FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL.SIDE)
IN BOTH THE PETITIONS

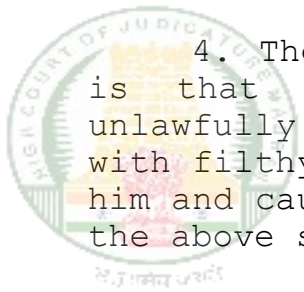
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P(MD)No.12800 of 2016 is arrayed as accused No.6, who was arrested and remanded to judicial custody on 15.06.2016 for the alleged offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) of IPC, in Crime No.226 of 2016, on the file of the respondent police and hence, seeks bail.

2.The petitioner in Crl.O.P(MD)No.12810 of 2016 is arrayed as accused No.5, who was arrested and remanded to judicial custody on 15.06.2016 for the alleged offences punishable under Sections 394 of IPC altered into 397 of IPC, in Crime No.213 of 2016, on the file of the respondent police and hence, seeks bail.

3. The petitioner has filed above two Crl.O.Ps., for the two offences alleged to have been committed by him.



4. The case of the prosecution in CrI.O.P(MD)No.12800 of 2016 is that the petitioner and other accused persons assembled unlawfully with deadly weapons and abused the defacto complainant with filthy language and tried to extort money from him and attacked him and caused injuries. On complaint, case has been registered for the above said offences.

5. The case of the prosecution in CrI.O.P(MD)No.12810 of 2016 is that the petitioner and other accused persons came in two motorbike and waylaid the defacto complainant and took away a sum of Rs.17,92,350/- and motorbike of the defacto complainant. On complaint, case has been registered for the above said offences.

6. The case of the petitioner in CrI.O.P(MD)No.12800 of 2016 is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he is studying in Polytechnic College. The petitioner is in judicial custody from 15.06.2016.

7. The case of the petitioner in CrI.O.P(MD)No.12810 of 2016 is that A1 is his friend and he gave his motorbike to him and he is nothing to do with the alleged offence. He is innocent person and only based on the confession of A1, he is arrayed as accused.

8. The learned counsel for the petitioner submitted that in Cr.No.226 of 2016 injured person had already been discharged from the hospital and hence, co-accused were arrested and enlarged on bail.

9. The learned Government Advocate (CrI.side) submitted that the petitioner and other accused persons are habitual offenders. They formed unlawfully and attacked the defacto complainant and in another case accused persons took away the cash of Rs.17,92,350/- and motorbike of the defacto complainant. In Cr.No.213 of 2016, A2 & A3 were already detained under Act 14 of 1982. If the petitioner is enlarged on bail, he will indulge in similar offence. Only part of the amount recovered. The balance is yet to be recovered. Investigation is pending.

10. Considering the serious nature of allegations made against the petitioner and the amount is yet to be recovered and investigation is pending, this court is not inclined to grant bail to the petitioner. Hence, these petitions are dismissed.

sd/-
27/07/2016

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



TO

1. THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT,

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

3. THE OFFICERS INCHARGE,
BORSTAL SCHOOL,
NANGUNERI, TIRUNELVELI DISTRICT.

+ 2 CC TO MR.J.SENTHIL KUMARIAH, ADVOCATE IN SR No. 39883, 39884

ORDER

IN

CRL OP(MD) Nos.12800 & 12810/2016

Date :27/07/2016

SMN2/AM

TE/NGM-MP/SAR-III : 10/08/2016 : 3P/6C