



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1282 of 2018

VIJAYAN

...PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO.70/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.BOOPATHI PANDIYAN, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

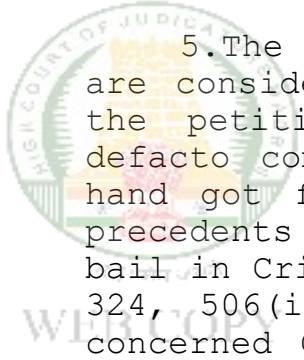
ORDER : The Court Made the following order :-

The petitioner / A3, who was arrested on 31.12.2017 for the offence punishable under Sections 147, 148, 450, 294(b), 324, 307 & 109 I.P.C., in Crime No.70 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.12.2017, due to previous enmity, the petitioner trespassed into the defacto complainant's house, assaulted the defacto complainant and caused simple injury. Hence, case has been registered for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 31.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that totally there are six accused in this case. The petitioner herein is arrayed as A3. He is having one previous case in Crime No.69 of 2017 on the file of the Ottanchathram Police Station. In that case, he was arrested and released on bail, but he has not complied the condition imposed by the concerned Court and again the petitioner committed this kind of offence. Hence, he vehemently opposed to grant bail to the petitioner.



5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner herein and other accused persons assaulted the defacto complainant, due to which, the defacto complainant's left hand got fracture. According to prosecution, on go through the precedents of the petitioner, the very same petitioner was granted bail in Crime No.69 of 2017 for the offence under Sections 147, 148, 324, 506(ii) and 3 of TNPPDL Act. In the above said case, the concerned Court has directed the petitioner to report before the Ottanchathram Police Station until further orders. Instead of complying the order passed by the Court, the petitioner committed this offence. Hence, if this type of petitioner is released on bail, there may be chance for tampering the witness and hamper the investigation. So, considering the previous antecedents of the petitioner and also considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
29/01/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.1282 of 2018
Date : 29/01/2018

MS/CM-VR/SAR.1/02.02.2018/2P.4C