



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1416 of 2018

SURESH BABU

... PETITIONER /
ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.3 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SENTHIL SANKARA, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

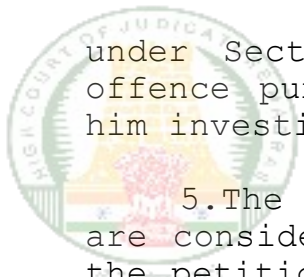
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323 & 506(ii) IPC & Section 4 of T.N. Women Harassment Act in Crime No3 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to some dispute, the petitioner along with other accused have abused the de facto complainant in filthy language and assaulted the de facto complainant. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that injured has been discharged from the hospital and the petitioner herein is having 5 previous cases in Crime No.235 of 2012 for the offence punishable under Sections 387, 506(ii) IPC and in Crime No.94 of 2010 for the offence punishable under Sections 147, 341, 294(b), 506(ii) & Section 3 of TNPPDL Act and in Crime No.110 of 2011 for the offence punishable under Sections 147, 341, 294(b), 506(ii) IPC and in Crime No.107 of 2014 for the offence punishable



under Section 110 Cr.P.C. and also one case registered for the offence punishable under Sections 294(b), 307 IPC. According, to him investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner assaulted the de facto complainant and caused simple injuries. As per the submissions of the learned Government Advocate (Crl.side), the petitioner is having 5 previous cases. Even though, the offence committed by the petitioner in this case is serious in nature. Considering the nature of previous cases pending against the petitioner, it shows that he is a habitual offender. If, these type of accused are released on bail, there will be chance to tamper the witnesses and hamper the investigation.

6.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
30/01/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1416 of 2018
Date :30/01/2018

MS/CM-VR/SAR.2/07.02.2018/2P.3C