



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1600 of 2018

RAJAN @ MOLLAIYAN

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION,
NAGERCOIL DISTRICT.
IN CR.NO. 206/2015

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.R.KARUNANIDHI Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

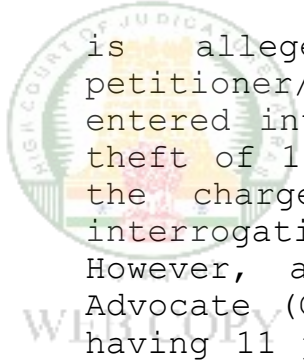
The petitioner/Accused No.5, who was arrested on 30.06.2016 for the offence under Sections 120(B), 414, 394, 450 of IPC, in Crime No.206 of 2015, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused entered into the house of the defacto complainant and committed a theft of 17 gold sovereigns worth about Rs.1,95,000/-. Hence a case has been registered against the petitioner and he was arrested and remanded to judicial custody.

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 and other accused filed bail petition before this Court in Crl.O.P. (MD)No.16428 of 2017 and the same was dismissed on 04.12.2017 with a direction to the lower Court to complete the trial within a period of seven months from the date of receipt of a copy of the order.

4.The learned Government Advocate(Criminal Side) submitted that that the petitioner is having 11 previous cases, which was registered for the similar type of offence.

5. Considering the submissions made on either side, discloses that the offence under Sections 120(B), 414, 394, 450 of IPC, in Crime No.206 of 2015, has been registered against the petitioner. It



is alleged that during the time of occurrence, the petitioner/Accused No.5 along with another six accused persons entered into the house of the defacto complainant and committed a theft of 17 gold sovereigns worth about Rs.1,95,000/-. As of now, the charge sheet has been filed. Therefore, the custodial interrogation is not necessary for completing the investigation. However, as per the submission made by the learned Government Advocate (Crl.side) appearing for the State that the petitioner is having 11 previous cases, which are all registered for the similar type of offences. It shows that the petitioner is a habitual offender. Furthermore, in the earlier bail application filed by this petitioner, this Court is directed to dispose the case within a period of seven months from the date of receipt of a copy of the order. Considering the reasons stated above, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
02/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION, NAGERCOIL DISTRICT.
 - 2 THE OFFICER IN CHARGE,
DISTRICT JAIL, NAGERKOVIL.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.KARUNANIDHI Advocate SR.No.1808

ORDER
IN
CRL OP(MD) No.1600 of 2018
Date :02/02/2018

MKV-CM-VR-SAR 1/8.2.2018/2P-5C