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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1807 of 2018

MARIAPPAN ... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT,
CRIME NO.42/2018 ... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PRABU 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/Accused No.1, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 323 and 506(ii) of IPC., and Section 3 of TNPPDL Act, in Crime No.42 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a small petty shop at Gandhi Nagar, Kovilpatti. On 18.01.2018, the petitioner and other accused went to the shop and bought a scissor for which the defacto complainant demanded money, as a result of which the petitioner and other accused assaulted the defacto complainant and threatened him with dire consequences. Further, they damaged the petty shop materials worth about Rs.3,000/-. Hence, the case has been registered against the petitioner and other accused for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that totally 11 previous cases are pending against the petitioner and he also produced the list of previous cases. According to him, the investigation is in progress.

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5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused, without any reason demanded money from the defacto complainant. Since the defacto complainant refused to give money, the petitioner and other accused damaged the properties, which was kept in the petty shop. Eventhough, considering the nature of offence committed by the petitioner in this case, custodial interrogation may not be necessary, as per the statement made by the learned Government Advocate (Criminal side), the following cases are registered against the petitioner:

Sl.No.	**Name of the Police Station**	**Crime No.**	**Under Sections**
1	Kovilpatti West Police Station	339/2012	75 TNCP Act
2	Kovilpatti West Police Station	800/2013	147, 148, 294(b), 307, 506 (ii) IPC
3	Kovilpatti West Police Station	555/2015	341, 294(b), 323,387, 506(ii) IPC
4	Kovilpatti West Police Station	653/2015	110(a) CrPC
5	Kovilpatti West Police Station	922/2015	341, 294(b), 387, 506(i) IPC
6	Kovilpatti West Police Station	192/2017	107 Cr.P.C
7	Kovilpatti West Police Station	515/2017	452, 294(b), 307, 506(ii) IPC
8	Kovilpatti West Police Station	42/2018	294(b), 323, 506(ii) IPC & 3 of TNPPDL Act

So considering the number of cases pending against this petitioner clearly shows that the petitioner is a habitual offender. Hence, this Court came to the conclusion that if these type of accused/petitioners are released on bail, they may be tamper the witness and hamper the investigation. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/02/2018

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

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TO

1 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT,

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

PJL
JAM/26/02/2018/PM-PN/ SAR 1 / 3P-3C

ORDER
IN
CRL OP(MD) No.1807 of 2018
Date :06/02/2018

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