



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2057 of 2018

1 VAIKUNDAM
2 CHINNADURAI

... PETITIONERS/ACCUSED Nos.1&2

Vs

STATE-INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
CRIME No.156 OF 2017,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.PRABHU Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.side)

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

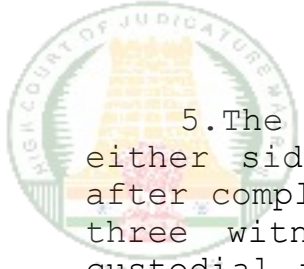
ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 10.08.2017 for the offence punishable under Sections 294(b), 392 and 506(ii) I.P.C., in Crime No.156 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners way-laid the defacto complainant and extorted a sum of Rs.700/- from the defacto complainant. Hence, case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in tis case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences and pleads for grant of bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the first petitioner is having 17 similar type of previous cases and the second petitioner is having 5 similar type of previous cases. Further submitted that after completing investigation, charge sheet has been filed.



5. The submissions made by the learned counsel appearing on either side are considered. According to prosecution, as of now, after completing investigation, charge sheet has been filed and also three witnesses were examined in the trial Court. Even though custodial interrogation of the petitioners is not necessary in this case, as per prosecution, the first petitioner is having 17 similar type of previous cases and the second petitioner is having 5 similar type of previous cases, so, considering the previous antecedents of the petitioners, it reveals that the petitioners are habitual offenders. Hence, considering the gravity of offence committed by the petitioners and also considering the number of previous cases pending against the petitioners, this Court is not inclined to grant bail to the petitioners at this stage. Accordingly, this Criminal Original Petition stands dismissed. However, the learned counsel appearing for the petitioners requested that it would suffice if direction is given to dispose the case. Hence, the Judicial Magistrate No.III, Tirunelveli is directed to dispose the case within a period of two months from the date of receipt of a copy of this order.

sd/-
09/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRTE NO.III
TIRUNELVELI
 - 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
 - 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
 - 4 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to Mr.K.PRABHU Advocate SR.No.2259

ORDER IN
CRL OP(MD) No.2057 of 2018
Date :09/02/2018