



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3054 of 2018

MANIKANDAN

... PETITIONERS / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.19 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADIKUMAR Advocate

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

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

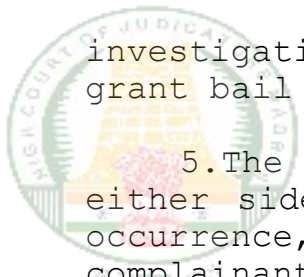
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 13.01.2018 for the offences punishable under Sections 294(b), 354A(1)(i), 354A(1)(ii), 354(B) and 506(ii) I.P.C., in Crime No.19 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.01.2018, when the defacto complainant's husband was away from the village for his work, the petitioner trespassed into defacto complainant house and giving torture, when it was questioned by the defacto complainant, the petitioner assaulted the defacto complainant and also made criminal intimidation against the defacto complainant. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged as alleged by the prosecution. He further submitted that the petitioner is in judicial custody on 13.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the petitioner is having four previous cases and he is a history sheeted rowdy. According to him



investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner stood near to the house of the defacto complainant and abused the defacto complainant by using filthy language. Further, the petitioner attempted to remove the saree worn by the defacto complainant. The petitioner is in judicial custody from 13.01.2018 onwards. Even though the period of incarceration is sufficient for completing the investigation, according to prosecution, the very same petitioner herein committed the similar type of offence towards the same defacto complainant. The said case was ended in acquittal, due to the compromise made between the defacto complainant and the petitioner. Even after completing that case, the petitioner again doing the same offence, apart from that the petitioner is a history sheeted rowdy in Sl.No.13 of 2017. So, considering the previous antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner. If this type of petitioner is released on bail, he may tamper the witness and hamper the investigation. Accordingly, the Criminal Original Petition is dismissed.

sd/-
27/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2 THE OFFICER IN CHARGE,
DISTRICT JAIL, PEROORANI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3054 of 2018
Date :27/02/2018

MKV-PM-PN-SAR 2/6.3.2018/2P-4C