



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3094 of 2018

DURAIPANDIAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.55 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.LENIN PRABU, 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/A1, who apprehends arrested at the hands of the respondent police for the offence punishable under Sections 294(b), 352 and 506(ii) I.P.C., in Crime No.55 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 06.02.2018, the petitioner and other accused abused the defacto complainant by using filthy language and slapped the defacto complainant, due to which, the defacto complainant cause injuries. 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. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.

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 abused the defacto complainant by using filthy language and slapped him, thereby, the defacto complainant sustained head injury. Moreover the petitioner had assaulted the defacto complainant for the reason that the defacto complainant made



advice as not to fight in public place. In the above circumstances, the learned Government Advocate (Crl.Side) appearing for the State made submission that the petitioner is having the seven following previous cases;

(i)Thalaiyuthu Police Station, Crime No.53 of 2014 U/s. 448, 294(b), 332, 506(i) and 427 I.P.C.

(ii)Crime No.36 of 2015 75 TNCP Act

(iii)Crime No.212/2017 U/s.294(b) 353, 506(ii) I.P.C.,

(iv)Crime No.60 of 2018 U/s. 294(b), 352, 506(ii)I.P.C.,

(v)Manur Police Station, Crime No.215 of 2018 U/s.147, 294(b), 448, 427, 506(ii) and 379.

(vi)TIW Police Station, Crime No.295/2013, U/s.279, 337 and 304 (A) I.P.C.,

(vii)Thatchanallur Police Station, Crime No.313 of 2015 75 TNCP Act.

6.Even though the offence committed by the petitioner in this case, custodial interrogation may not be necessary. Considering the previous antecedents of the petitioner shows that he is a habitual offender. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
28/02/2018

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL OP(MD) No.3094 of 2018
Date :28/02/2018

MS/CM-VR/SAR.2/09.03.2018/2P.3C