



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.329 of 2018

MAYANDI @ KATTA MAYANDI

... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.158 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.VENKKATESAN , Advocate for
Mr.R.RAJESHKUMAR Advocate

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

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

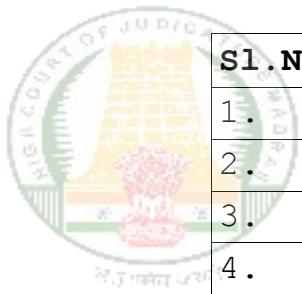
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested on 27.06.2017 for the offence under Sections 294(b), 307 and 506(ii) I.P.C., in Crime No.158 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.06.2017, due to previous enmity, the petitioner assaulted the defacto complainant with deadly weapon and cause injuries to the defacto complainant. Based on the complaint given by the defacto complainant, case has been registered against the petitioner under Sections 294(b), 307 and 506(ii) by the respondent police, arrested him and remanded to Judicial Custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 27.06.2017. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case and nobody sustained injury in this case.

4.The learned Government Advocate(Criminal Side) submitted that after completing investigation, charge sheet has been filed and the same was taken on file as P.R.C.No.59 of 2017. He further submitted that there are seven previous cases were pending against this petitioner, which are as follows:



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Sl.No	Crime No.	Offences U/s
1.	133 of 2014	379 I.P.C (Sand Theft)
2.	200 of 2014	307, 379 I.P.C., (Sand theft)
3.	130 of 2015	379 I.P.C., (Sand theft)
4.	146 of 2015	379 I.P.C., (Sand theft)
Sl.No	Crime No.	Offences U/s
5.	9 of 2016	147,294(b), 323, 506(ii) I.P.C., & 3(1)(x) SC/ST Act
6.	134 of 2016	341,294(b), 323, 324, 506(ii) I.P.C.,
7.	149 of 2016	147,148,149,341, 302 I.P.C., & 120(b) I.P.C.,

Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the submissions made on either side, it disclose that the offence under Sections 294(b), 307 and 506(ii) I.P.C., in Crime No.158 of 2017 has been registered against this petitioner. According to prosecution, as of now, after completing investigation, charge sheet has been filed and the same was taken on file as P.R.C.No.59 of 2017. However, based on the particulars submitted by the learned Government Advocate (Criminal Side) that the petitioner is having seven previous cases, so, the nature of offence committed by the petitioner and the pending previous cases show that the petitioner is a habitual offender. If this type of petitioner granted with bail, he may be tried to tamper the witness and hamper the investigation. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

09/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 3 THE OFFICE INCHARGER,
BORSTAL SCHOOL, NAANGUNERI, TIRUNELVELI

JAM/22/01/2018/CM-VR/ SAR 1/ 2P-4C