



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

Monday, the Fifth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3381 of 2018

UDAYAKANTH

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 01.03.2016 for offences punishable under Sections 341, 294(b), 323 and 506(ii) and 302 I.P.C., in Crime No.32 of 2016, seeks bail.

2.The case of the prosecution is that on 20.02.2016, the deceased and his family members went to worship their family deity, the petitioner and second accused in this case had made wordy quarrel with the deceased, due to which, the petitioner and second accused assaulted the deceased by using the black stone, dragged him towards a plant and threw him in the water. 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, further added that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 01.03.2016 onwards. Hence, he prays for bail.



4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are two accused in this case. The petitioner herein is arrayed as A1. He further submitted that the petitioner is having 15 previous cases. As of now, after completing investigation, charge sheet has been filed and the same was taken on file as S.C.No.668 of 2017 on the file of the learned IV Additional Sessions Judge, Tirunelveli.

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 and another one accused in this case hit the head of the deceased by using the black stone and committed the offence. Now, after investigation, the charge sheet has been filed before the learned IV Additional District and Sessions Judge, Tirunelveli and the same was taken on file as S.C.No.668 of 2017. Moreover, the petitioners are in judicial custody from 01.03.2016 to till date. So, considering the period of incarceration, the petitioner is entitled for bail. But, the learned Government Advocate (Crl.Side) appearing for the State submitted that this petitioner is having 15 previous cases, in which, two cases are registered for the offences under Section 302 I.P.C., So considering the previous antecedents of the petitioner shows that the petitioner is a habitual offender. Hence, if this type of petitioner are released on bail, there may be a chance for committing the similar type of offence and may cause public disturbance. Accordingly, the Criminal Original Petition is dismissed.

sd/-
05/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3381 of 2018
Date :05/03/2018

PK/CM/SAR-4/21.03.2018 : 2P/4C