



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.348 of 2018

RAJKUMAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
PALAVOOR POLICE STATION, PALAVOOR,
TIRUNELVELI DISTRICT.

(CRIME NO.272 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.PALANI VELAYUTHAM Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

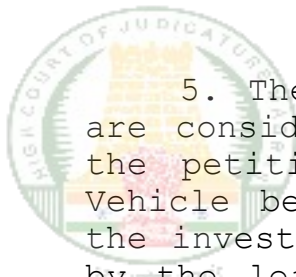
ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC., in Crime No.272 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner illegally transported Odai sand through 909 Tempo Vehicle bearing Registration No.TN-72-AW-3269 without obtaining any valid permission from the appropriate authority. Hence, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner illegally transported Odai sand through 909 Tempo Vehicle bearing Registration No.TN-72-AW-3269 without obtaining any valid permission from the appropriate authority and the properties have been recovered. He further submitted that the petitioner is having five previous cases. According to the prosecution, the investigation is still pending.



5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner committed theft of Odai sand by using 909 Tempo Vehicle bearing Registration No.TN-72-AW-3269. As of now, part of the investigation is completed. However, as per the submission made by the learned Government Advocate (Criminal side) the petitioner herein is having the following five previous cases:

Sl.No.	Crime No.	Under Sections
1	160/2009	379 IPC
2	58/2012	379 IPC & 21(1) MMRD Act
3	82/2008	379 IPC
4	81/2012	341, 294(b), 307, 506(ii) of IPC
5	145/2015	110 Cr.P.C.

So, considering the number of cases pending against the petitioner shows that the petitioner is a habitual offender. Further, most of the cases are registered for the offence under Section 379 IPC. Hence, considering the antecedents of the petitioner, this Court came to the conclusion that if this type of accused is released on bail, he will tamper the witness and hamper the investigation. Accordingly, this Criminal Original Petition is dismissed.

sd/-

18/01/2018

/ TRUE COPY /

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

TO

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

PJL

JAM/05/02/2018/PM-PN/ SAR 1/2P-3C

ORDER

IN

CRL OP(MD) No.348 of 2018

Date :18/01/2018