



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3501 of 2018

LAKSHMANAN @ THALAMBU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SUBRAMANIYARPURAM POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.30 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.JANATH AHMED Advocate

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

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

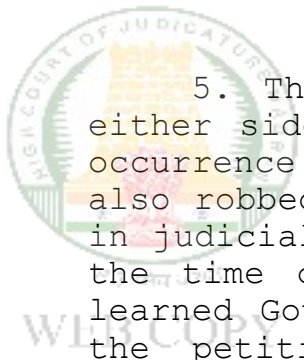
ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who was arrested on 15.01.2018 for the offence punishable under Sections 392, 397 read with 506 (ii) IPC in Crime No.30 of 2018 on the file of the respondent police, seeks bail.

2. 2.The case of the prosecution is that on 15.01.2018, the petitioner intercepted and threatened the defacto complainant and also robbed Rs.500/- at the knife point for consuming liquor. Hence, the respondent police registered a case as against the petitioner and he was arrested and remanded in judicial custody on 15.01.2018.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the respondent police in order to invoke "Goonda" against the petitioner they obtained a false complaint and foisted the present case against the petitioner.

4. The learned Government Pleader (Criminal Side) appearing for the respondent on instructions, would submit that the petitioner is having twelve previous cases. According to him, the investigation is still pending. Further, 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 intercepted the defacto complainant and also robbed Rs.500/- at the knife point for consuming liquor. He was in judicial custody on 15.01.2018, the property which was robbed at the time of occurrence was recovered by the police. Further the learned Government Advocate (Criminal Side) made a submission that the petitioner having 12 previous cases, in which, one case registered of the offence, 302 IPC, six cases were registered for the offence 394 IPC and two cases were registered for the offence 287 IPC. So the number of cases pending against the petitioner, it is clearly reveals that the petitioner is a habitual offender. Now, these type of petitioner are released on bail, there may be a chance for absconding as well as for tampering the evidence or hampering the witness.

6. Considering the number of cases pending against the petitioner and as well as the nature of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
SUBRAMANIPURAM POLICE STATION,
MADURAI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.B.JANATH AHMED Advocate SR.No.3744

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JAM/16/03/2018/ CM-VR / SAR 2 / 2p-5c