



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3707 of 2018

BRIGHT

... PETITIONER / ACCUSED No.1

Vs

THE STATE OF TAMIL NADU REPRESENTED BY
THE INSPECTOR OF POLICE
ARALVAIMOZHY POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO. 41/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.M.VISHNUVARTHANAN Advocate

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

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

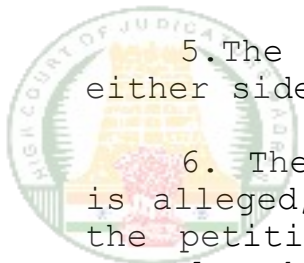
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.1, was arrested and remanded to judicial custody on 18.02.2018 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 307 and 506 (ii) of IPC and Section 4 of TNPHW Act, 2002 in Crime No.41 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the previous enmity, the petitioner and another accused are alleged to have threatened the defacto complainant by using Aruval and iron rod and also abused him in filthy language. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 18.02.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner is having three previous cases and the injured was discharged from the hospital and investigation of the case is under progress.



5. The submissions made by the learned counsel appearing on either side are considered.

6. The petitioner is in judicial custody from 18.02.2018. It is alleged, during the time of occurrence, due to previous enmity, the petitioner herein assaulted the defacto complainant by using Aruval and iron rod and also abused him in filthy language. As of now, the injured was discharged from the hospital. However, as per the submission made by the learned Government Advocate (Crl. Side), this petitioner is having three previous cases, in which, two cases are registered for the offence under Section 302 IPC. Moreover, on going through the averments made in the First Information Report, it would appear, some of the families are changed their residences from the village, in which, the petitioner was residing. So, on culminating the entire facts and circumstances, it would appear, the petitioner is a habitual offender, thereby, if this type of accused is enlarged on bail, there may be a chance for tampering the witnesses and hampering the investigation. Hence, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

09/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
ARALVAIMOZHY POLICE STATION,
KANYAKUMARI DISTRICT
- 2 THE OFFICE INCHARGER,
SUB JAIL, NAGERCOIL
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.4013

TRP

JAM/19/03/2018/ RR / SAR 1/ 2P-5C

ORDER

IN

CRL OP(MD) No.3707 of 2018

Date :09/03/2018