



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.441 of 2018

GABRIEL

... PETITIONER/ACCUSED No.13

Vs

THE INSPECTOR OF POLICE,
NATCHIYAR KOIL POLICE STATION,
THANJAVUR DISTRICT.
(CR.NO.36/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI, for R.VENKATESAN, Advocate

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

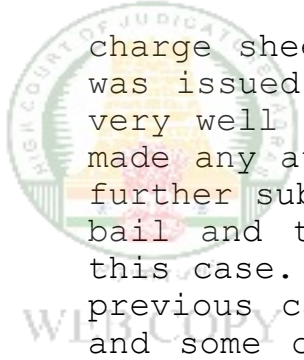
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was in Puzhal Prison, Chennai, is arrayed as accused No.13 in this case registered for the offence punishable under Sections 143, 144, 120(b) and 307 of IPC, read with Sections 4, 5 and 6 of Explosive Substances Act, 1908, and Sections 25(1-B) (b) of Indian Arms Act, 1959, in Crime No.36 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.01.2016, one Kalaivannan and 11 others gathered near Thirupandurai, Kaliyamman Kovil Street with deadly weapons and country bombs with the intention to murder one V.G.K.Mani and thereafter seeing the defacto complainant, the Inspector of Police, Nactchiyar Kovil Police station, they escaped from the occurrence place and at that time, the respondent police arrested 4 accused persons and based on the confession statement of one of the accused persons, the petitioner was added as accused in the first information report for the allegation that the petitioner had criminal conspiracy with the other accused to murder the said person. Thereafter, the present case has been registered for the above said offence.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is a life convict and he is in prison for the past 19 years. At the time of occurrence, the petitioner was in prison. The occurrence took place in the year 2016, but so far investigation was not completed and



charge sheet was not filed by the respondent police and PT warrant was issued on 21.10.2017 in the present case. The police officials very well known that the petitioner is in prison and they have not made any attempt to produce him before the Magistrate concerned. He further submitted that the other accused persons already released on bail and there is no specific overtact against the petitioner in this case. According to the prosecution, the petitioner is having 13 previous cases. Out of those case, he was acquitted in some cases and some cases are under trial. He further submitted that if the petitioner is released on bail in this case, he may be one of the beneficiaries of premature release announced by the State Government in the month of January, 2018. Hence, the learned counsel for the petitioner prays for bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner has 13 previous cases and he was convicted for the offence under Section 302 IPC. He has also produced the list of previous cases of the petitioner before this Court.

5. The submissions made by either side are considered. The respondent police registered the case for the alleged offence under Sections 143, 144, 120(b) and 307 of IPC, read with Sections 4, 5 and 6 of Explosive Substances Act, 1908 and Sections 25(1-B) (b) of Indian Arms Act, 1959. According to the learned counsel for the petitioner, the petitioner is in jail for the past 19 years. Hence, he prays to enlarge the petitioner on bail for getting benefit of remission announced by the State Government. Now on going through the particulars of the cases, which have been registered against this petitioner shows that the petitioner have 13 previous cases in which eight cases are registered for the offence under Section 302 of IPC. So the number of cases pending against the petitioner shows the petitioner cannot be treated as a casual man. Therefore, considering the previous cases, this Court is not inclined to grant bail at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
11/01/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
NATCHIYAR KOIL POLICE STATION, THANJAVURDISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PUZHAI, CHENNAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.441 of 2018
Date :11/01/2018