



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.443 of 2018

NAGARAJ

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.387/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN Advocate

For Respondent : MR.K.CHELLAPANDIAN, ASSISTED BY
MR.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR.

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

ORDER : The Court Made the following order :-

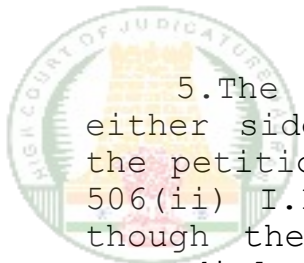
The petitioner/sole accused, who was arrested on 16.12.2017 for the offences punishable under Sections 392, 397 and 506(ii) I.P.C in Crime No.387 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant, the petitioner went to the shop of the defacto complainant and robbed the cash and threatened her with dire consequences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is languishing in jail for the past 24 days and further submitted that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner is having five previous cases and he is a habitual offender and he has also threatened the eye witness in the said occurrence and further submitted that the investigation is

still pending.



5. The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offences under Sections 392, 397 and 506(ii) I.P.C and he is in judicial custody from 16.12.2017. Even though the period of detention is sufficient for completing the custodial interrogation, as per the submission made by the learned Government Advocate (Criminal Side) that the petitioner is having five previous cases, in which, two cases are registered for the offence under Section 302 I.P.C., apart from that in which one case is for 302 I.P.C (two counts), considering the previous antecedents of the petitioner, this Court is of the view that if this type of petitioner is released on bail, he may tamper the witness and hamper the investigation. Accordingly, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-
10/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION, TRICHY DISTRICT.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.480

ORDER
IN
CRL OP(MD) No.443 of 2018
Date :10/01/2018

PK/CM-VR/SAR-2/17.01.2018 : 2P/5C