



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4813 of 2018

ARUN KUMAR @ PANNENDU

... PETITIONER/ACCUSED No.5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI.

CR.NO.1009 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA, 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 is arrayed as accused No.5, was arrested and remanded to judicial custody on 19.01.2018 for the offence punishable under Sections 147, 148, 341 and 302 IPC in Crime No.1009 of 2007, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive, the petitioner and other accused are said to have assaulted the deceased with deadly weapons and committed the offence of murder. 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 19.01.2018.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner is having three previous cases and the investigation is still pending.



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

6. It is alleged, during the time of occurrence, the petitioner waylaid the defacto complainant's husband viz., Sadayandi and assaulted with deadly weapons, due to that, the husband of the defacto complainant died. Subsequent to the registration of the case, the petitioner was arrested and remanded to judicial custody on 19.01.2018. However, as per the submission made by the learned Government Advocate (Crl. Side), this petitioner is having three previous cases, in which, one case was registered for the offence under Section 302 IPC in Crime No.545 of 2015 on the file of the B3 Theppakulam Police Station, Madurai and the another one case was also registered for the offence under Section 307 IPC in Crime No.522 of 2016 in the very same Police Station.

7. Considering the fact that the petitioner is having three previous cases, particularly, those cases have been registered for the heinous offence, this Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-

27/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION, MADURAI.
- 2 THE OFFICER-IN-CHARGE, DISTRICT PRISON, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.4813 of 2018

Date : 27/03/2018

PK/CM-VR/SAR-1/05.04.2018 : 2P/4C