



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.565 of 2018

DHANASEKAR

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.157/2008

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMY PANDIYAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Government Advocate (Crl. Side)

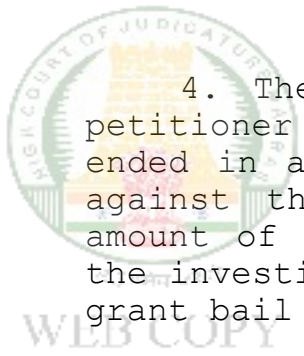
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / Rank Not Known, who was arrested on 17.08..2017 for the offences punishable under Sections 397 @ 120 (B), 506(II), 397 r/w.109 I.P.C., in Crime No.157 of 2008, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.07.2008, the petitioner and other 18 accused are said to have robbed a sum of Rs.56,60,000/- from the defacto complainant, out of which, only a sum of Rs.37,27,000/- has been recovered and the balance amount has not been recovered. Hence, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence. He further submitted that the petitioner alleged to have indulged in the above said occurrence secured bail, as early as, in the year 2008, while being so, the petitioner was arrested in connection to some other case, for which, the petitioner could not have appeared before the committal Court. Hence, the committal Court issued non bailable warrant. In the present case, as per the confession statement of other accused, he has been falsely implicated in this case. Accordingly, he prays for anticipatory bail in favour of him.



4. The learned Government Advocate (Crl.side) submitted that petitioner is having 44 previous cases, out of which, 12 cases were ended in acquittal and the remaining other cases is still pending against the petitioner. He further submitted that the balance amount of Rs.37,27,000/- was not recovered from the petitioner and the investigation is not completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the submissions made on either side, it seems that the offences under Sections 397 @ 120 (B), 506(II), 397 r/w.109 I.P.C., in Crime No.157 of 2018, has been registered against the petitioner. He is in judicial custody from 17.08.2017. As per the petitioner is having 44 previous cases. The number of previous cases is pending against the petitioner shows that the petitioner is a habitual offender. Further, the petitioner being resident of Chennai, went to Thanjavur and completed the offence. Furthermore, the alleged offence was committed in the year 2008. Thereafter, the petitioner and other accused in this case have not co-operated for completing the trial, so far. So, if this type of petitioner released on bail, he may be tried to tamper the witness and hamper the investigation. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this petitioner is dismissed.

sd/-
11/01/2018

/ TRUE COPY /

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

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TO

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

GJM/CM/VR/SAR-2-22.1.18-2P-4C

ORDER
IN
CRL OP(MD) No.565 of 2018
Date :11/01/2018