



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.684 of 2018

ALAGAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
IN CR.NO.697 OF 2017,
VIRUDHUNAGAR DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.S.MAYA PERUMAL Advocate

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

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

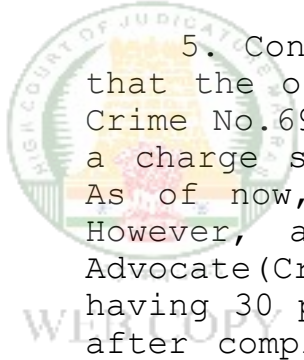
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested on 15.10.2017 for the offence under Sections 294(b), 307 and 506(ii) I.P.C., in Crime No.697 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.10.2017 at about 12.30 hours, the petitioner/Accused went to the TASMAC wine Shop, after consuming liquor, the petitioner has demanded money from the defacto complainant/ owner of the Wine shop. Thereafter, he refused to give the money, the petitioner threatened and assaulted the defacto complainant with aruval and also used filthy languages. Hence, the respondent police registered a case and he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the he is innocent and and he has been falsely implicated in this case. He further submitted that the petitioner already filed bail application before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.3442 of 2017 and the same was dismissed on 30.10.2017

4.The learned Government Advocate(Criminal Side) submitted that he is a habitual offender and he is having 30 previous cases, out of which, 16 cases were ended in acquittal, three cases were convicted and 11 cases are posted for trial. Hence, he vehemently opposed to grant bail to the petitioner.



5. Considering the submissions made on either side, it discloses that the offence under Sections 294(b), 307 and 506(ii) I.P.C. in Crime No.697 of 2017 has been registered against the petitioner and a charge sheet has been filed after completing the investigation. As of now, the same was taken on file in P.R.C.No.31 of 2017. However, as per the submission made by the learned Government Advocate(Criminal Side) submitted that the petitioner herein is having 30 previous cases, in which, 16 cases are ended in acquittal after completing trial and three cases convicted and 11 cases are posted for the trial. So, the previous antecedents of the petitioner clearly prove that the petitioner is a habitual offender. So, 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 Criminal Original Petition is dismissed.

sd/-
17/01/2018

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL OP(MD) No.684 of 2018
Date :17/01/2018

MKV-PM-PN-SAR 1/25.1.2018/2P-4C