



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.868 of 2018

CHINNA GURUSAMY @ KUTTY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARIVALAMVANTHA NALLUR POLICE STATION,
KARIVALAMVANTHA NALLUR,
TIRUNELVELI DISTRICT.
IN CRIME NO.394 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.INDRACHITHU Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

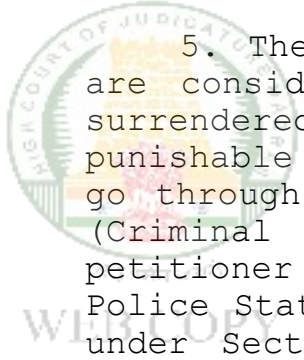
ORDER : The Court Made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 27.12.2017 for the offence punishable under Sections 294(b), 324, 307, 506(ii) I.P.C. in Crime No.394 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.12.2017, due to previous enmity the petitioner/sole accused assaulted the defacto complainant with sickle and also threatened him with dire consequences. Thereby, based on the complaint given by the defacto complainant, case has been registered against the petitioner, he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 27.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal side) submitted that the defaco complainant was discharged from the hospital. He further submitted that there are five previous cases are pending against this petitioner. According to him, investigation is not completed. hence, he vehemently opposed to grant bail to the petitioner.



5. The submissions made by the learned counsel on either side are considered. It seems that on 27.12.2017, the petitioner was surrendered and remanded to judicial custody for the offences punishable under Sections 294(b), 324, 307, 506(ii) I.P.C. Now, on go through the statement given by the learned Government Advocate (Criminal side) appearing for the respondent police that the petitioner is having two previous cases in Karivalamvanthanallur Police Station, in which, both cases are registered for the offence under Section 307 I.P.C., and another one case is registered in Sankarankovil Town Police Station for the offence under Sections 294 (b), 324, 307, 506(ii) I.P.C., So number of previous of cases pending against the petitioner, shows that the petitioner is a habitual offender.

6. Considering the facts and circumstances of the case and also considering the previous antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
22/01/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
KARIVALAMVANTHA NALLUR POLICE STATION,
KARIVALAMVANTHA NALLUR, TIRUNELVELI DISTRICT.
2. THE OFFICER INCHARGE, SUB JAIL, SANKARANKOVIL.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.868 of 2018
Date : 22/01/2018

MS/CM-VR/SAR.1/01.02.2018/2P.4C