



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2892 of 2019

M.SIVA @ SIVALINGAM

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
IN CRIME NO. 256 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.SATHEESH KUMAR, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 02.12.2018 for the offences punishable under Sections 294(b), 387, 307 and 506(ii) of IPC in Crime No.256 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a cooli. On 02.12.2018 at about 8.00 a.m. while he was standing in the bus stop, the petitioner demanded a sum of Rs.500/- and took Rs.100/- from his shirt pocket. When it was resisted by the defacto complainant, the petitioner tried to assault him with aruval and the defacto complainant escaped narrowly and the petitioner also scolded the defacto complainant with filthy language and also made criminal intimidation.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that since he was detained under Section 2 (f) of Tamil Nadu Act 14 of 1982, his earlier bail application was dismissed. Now, the said Detention order was set aside by the Advisory Board. Hence, he prayed for bail.



4.The learned Additional Public Prosecutor appearing for the state would submit that though the Detention order was set aside on various grounds, the petitioner is having 30 previous cases pending against him which are similar in nature.

WEB COPY

5.Considering the facts and circumstances of the case and though the detention order was set aside on various grounds, since the petitioner is having 30 previous cases pending against him, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
25/02/2019

/ TRUE COPY /

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

TO
R

- 1 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.S.SATHEESH KUMAR, Advocate SR.No.3699

ORDER
IN
CRL OP(MD) No.2892 of 2019
Date :25/02/2019

TM
PK/PN/SAR-1/01.03.2019 : 2P/5C