

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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6263 of 2019

DINESH

... PETITIONER / ACCUSED No.3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
Crime No.10 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.RAJESH 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 on 21.01.2019, for the alleged offence punishable under Sections 147,148,294(b),324,307, 506(ii) of IPC and Section 3(1) of TNPPDL Act IPC in Crime No. 10 of 2019 on the file of the respondent police seeks bail.

2.The case of the prosecution is that when the defacto complainant and his relatives were waiting for a public transport bus, on 04.01.2019 the petitioner herein along with other drove the auto rickshaw in a rash and negligent manner and when the defacto complainant questioned the same, the petitioner along with other abused the defacto complainant, attacked him with deadly weapons and threatened him with dire consequences. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. He would also submit that initially anticipatory bail was granted and the petitioner did not furnish sureties and thereafter the petitioner was arrested in another case and when he was in jail in that case, he was arrested

through P.T warrant. Though no cancellation of bail application is filed in this case, the respondent police again went to the defacto complainant's house and found that the injury sustained by his son to be grievous one which cannot be take leniently. So without any cancellation bail application, this Court cancelled the bail by invoking power under Section 439 (2) of Cr.P.C.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was arrested in this case through P.T. Warrant and there are 5 cases pending against the petitioner and he is history sheeter. He would also submit that co- accused in this case was granted bail by the Sessions Court. Hence he objected for grant of bail.

5.Considering the facts and circumstances of the case and considering the fact that there are several cases pending against the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Hence the bail petition is dismissed.

sd/-
30/04/2019

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

TO

- 1.THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
- 2.THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6263 of 2019
Date :30/04/2019

TK/PN/SAR-3/09.05.2019/2P/4C