



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

Date : 30/07/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.10549 of 2019

M. Maharajan

... Petitioner/Accused No.1

Vs

The State rep. by the
Inspector Of Police,
Seevalaperi Police Station,
Tirunelveli
(Crime No.77/2019).

... Respondent/Complainant

For Petitioner : M/s.R.Krishnan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Cr.No.77 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 353, 307 and 379 IPC, in Crime No.77 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that as per the FIR, A2 was driving the Tipper lorry bearing Reg.No.TN 69-AF-1355 and the petitioner herein sat on the side of the driver and when the police tried to stop the said lorry, the driver has driven the said vehicle with speed and attempted to hit the police team and after taking the said lorry for certain distance, stopped the said lorry and ran away from the said place. He further submitted that no one sustained any injury and this case has been registered only for statistical purpose without any basis. He further submitted that the previous anticipatory bail in CRL.OP (MD) No.7363 of 2019 was dismissed only on the ground that the



petitioner is already having 14 previous cases. But, actually apart from this case, only 13 cases were registered against the petitioner. He further submitted that out of 13 cases, 3 cases were registered under Sections 107 and 110 Cr.P.C and subsequently, they were closed and one case was referred as 'mistake of fact'. He further submitted that 2 cases ended in acquittal and one case is pending against the petitioner based on the complaint lodged by a private person. He further submitted that apart from the aforesaid cases, 7 cases were registered against the petitioner in a usual manner and in none of the cases, the police has filed charge sheet. He further submitted that though it has been stated that A2 has driven the lorry with an intention to kill the police team, this Court has already granted anticipatory bail to A2 in Cr.OP(MD) No.7188 of 2019. He further submitted that he sat on the side of the driver and except the said allegation no other allegation have been made and therefore, he prayed for grant of anticipatory bail to the petitioner.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that 7 previous cases pending against the petitioner in similar nature and after dismissal of the earlier anticipatory bail application, there is no change of circumstances and custodial interrogation of the petitioner is absolutely necessary and therefore, he opposed this petition.

4.This is the fourth application seeking anticipatory bail.The third application was dismissed by this Court on 22.05.2019 on the ground that 14 previous cases are pending against the petitioner. Now only change of circumstance pointed out by the petitioner is that only 13 previous cases are pending against this petitioner. Out of 13 cases 3 cases were registered under Sections 107 and 110 Cr.P.C, which were closed. 1 case was referred as 'mistake of fact' and 2 previous cases were ended in acquittal and 1 case was registered due to the dispute between the private parties. Except,the aforesaid facts, nothing has been brought by the petitioner to grant anticipatory bail. Admittedly,7 previous cases of similar in nature are pending against the petitioner. Therefore, this Court is of the considered view that this petitioner has not made out a case for getting anticipatory bail.

5. Accordingly, this petition is dismissed.

sd/-
30/07/2019

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



TO

1. THE INSEPCTOR OFPOLICE
SEEVALAPERI POLICE STATION,
TIRUNELVELI

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.KRISHNAN Advocate SR.No.12607

ORDER

IN

CRL OP (MD) No.10549 of 2019

Date :30/07/2019

ES/PN/SAR 1/14.08.2019/3P/4C