



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.14065 of 2020

Maheswaran

... Petitioner/Sole Accused

Vs

The State Rep.by
The Sub Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
Crime No.131/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For an bail in Crime No.131 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused was arrested and remanded to Judicial Custody on 20.05.2020, for the offences punishable under Section 302 I.P.C. in Crime No.131 of 2020, on the file of the respondent police. He seeks bail.

2.The petition for bail is filed on the ground that the petitioner is in the custody for the past about six months. The case under Section 302 IPC is registered against the writ petitioner. The nature of allegations narrated in the confession statement reveals that it is the gruesome murder.



3.The learned counsel for the petitioner made a submission that the petitioner will abide by any condition.

4.However, the learned Government Advocate (Crl.side) raised a serious objection for grant of bail in view of the fact that the petitioner is a habitual offender and he has involved in nine previous cases and mostly those cases are either under Section 397 or under Sections 308, 392, 395 IPC. He is the habitual offender and in the event of releasing the petitioner on bail, there is a likelihood of absconding and it would be difficult for the police to arrest the petitioner again.

5.While dealing with the habitual offenders, the Courts are expected to be cautious. Nine previous cases were registered against the petitioner and details of those cases are extracted hereunder:

- 1.Cr.No.94/2016 under Sections 341, 392 @ 341 and 395 IPC,
- 2.Cr.No.207/2017 under Section 448, 294(b), 506(ii) IPC
r/w TNPPDL Act,
- 3.Cr.No.230/2017 under Section 308 IPC in Maraneri PS,
- 4.Cr.No.356/2016 under Section 392 IPC,
- 5.Cr.No.86/2017 under Section 392 IPC,
- 6.Cr.No.1072/2017 under Section 379 IPC.
- 7.Cr.No.1073/2017 under Section 392 IPC,
- 8.Cr.No.1075 of 2017 under Section 392 IPC in Sivakasi Town PS and
- 9.Cr.No.278 of 2016 under Section 341, 347 and 397 IPC in Malli PS.

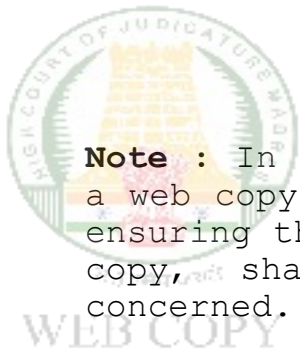
6.Now, first time the petitioner has involved in a murder case under Section 302 IPC. Thus, he has involved in a 302 case, after nine cases were registered under Sections 379, 308, 392 and 397 IPC, releasing of such habitual offender is undoubtedly detrimental to the interest of the society. It would be very difficult for the law enforcing authority to control these type of habitual offenders. People may not live in peace, if such habitual offenders are released prematurely. Contrarily, the trial is to be expedited, which would meet the ends of justice. Charge sheet is made and the case is pending for trial in PRC.No.2 of 2020. Thus, the trial Court is directed to proceed with the trial and dispose of the case as expeditiously as possible.

7.This being the principles are to be followed, the bail petition stands dismissed.

sd/-
04/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SUB INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE OFFICER INCHARGE,
DISTRICT PRISON,
THENI.

ORDER

IN

CRL OP(MD) No.14065 of 2020

Date :04/12/2020

RMK

TE/VR/SAR-II : 15/12/2020 : 3P/4C