

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.2913 of 2021

Prakash

... Petitioner

Versus

State rep by
The Inspector of Police,
Sadras Police Station,
Chengalpattu District.
(Crime No.1024 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1024 of 2020 on the file of the Inspector of Police, Sadras Police Station, Chengalpattu District.

For Petitioner : Mr.L.Madhan

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 506(ii) of IPC 294(b), 323, 324 of IPC, in Crime No.1024 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to wordy quarrel during a family dispute, the accused had assaulted the defacto complainant and her relatives with iron rod on the head. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail. He would submit that on the earlier occasion, the petitioner had moved an anticipatory bail application along with one Vedhagiri and Muniyan and this Court taking into consideration that the petitioner has got one previous case for offence under Section 302 IPC, had dismissed the petition in respect of the petitioner and had granted anticipatory bail to the Said Vedhagiri and Muniyan by order dated 22.12.2020. However, the respondent have not arrested the petitioner and thereby, the present petition has been filed seeking for anticipatory bail.

4. The learned Additional Public Prosecutor would vehemently oppose stating that on the earlier occasion, this Court taking into

consideration that the petitioner has one previous case for offence under Section 302 IPC, had dismissed the earlier application in respect of the petitioner. He would submit that due to inadvertence, a wrong instruction was given by the respondent on the earlier occasion and on verification, he would submit that the petitioner has got 4 previous cases out of which, one case has been registered in Crime No.60 of 2018 for offence under Section 302 IPC and two cases have been registered in Crime No.5 of 2017 and Crime No.209 of 2017 for illegal sand mining and yet another case has been registered in Crime No.298 of 2017 for offence under Sections 324 and 506 (ii) IPC. He would submit that the petitioner is a habitual offender.

5. Heard the learned Counsels.

6. This Court taking into consideration that the petitioner has got one previous case to his credit, had dismissed the earlier application for anticipatory bail. Now it has been brought to the knowledge of this Court that the petitioner has got four previous cases to his credit and that there is no change in circumstance after the dismissal of the earlier application. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

02/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
SADRAS POLICE STATION,
CHENGALPATTU DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.L.MADHAN Advocate on payment of necessary charges
SR NO. 2734

CRL OP.2913/2021

Date :02/03/2021