

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 9089 of 2021

Y.John David Paul ... Petitioner/2nd Accused

-VS-

State Represented by
The Inspector of Police,
T-11, Thiruninravur Police Station,
Chennai. ... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, 1973, praying to grant anticipatory bail to the Petitioner in the event of arrest by the Respondent Police concerned in Crime No. 640 of 2021 dated 03.09.2020 on the file of the Respondent Police.

For Petitioner : Ms. S.Priyadarshini

For Respondent : Mr. J.C.Durairaj,
Counsel appearing for the Government

ORDER

(The case has been heard through video conference)

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the offences punishable under Sections 294(b), 324, 307 and 506(ii) of the Indian Penal Code, 1860, in Crime No. 640 of 2020 on the file of the Respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, viz., Pushparaj, is that he is a painter and his wife is engaged in selling fruits in a pushcart. While so, one Sakthivel had borrowed a sum of Rs. 2 Lakh from the defacto complainant and he had repaid the amount of Rs. 1,19,000/- and he died without repaying the balance amount of Rs. 81,000/-. Therefore, the defacto complainant had demanded the same from the wife of the deceased Sakthivel. Due to which, the wife of the deceased along with other accused called the defacto complainant over phone and threatened him not to demand the balance amount and thereafter, on the date of occurrence, the accused had called the defacto complainant and asked him to come and collect the money due to him. When the defacto complainant had gone to the place to collect money, the accused had assaulted him with knife and caused injuries. Hence the complaint.

3. The Learned Counsel for the Petitioner would submit that this is the fifth application for anticipatory bail and the earlier applications filed in Crl. O.P. No. 16036 and 18079 of 2020 and Crl. O.P. Nos. 1225 and 5066 of 2021 were dismissed on 09.10.2020, 18.11.2020, 01.02.2021 and 16.03.2021 respectively. She would further submit that the defacto complainant had harassed one Bhavani who is known to him and when she had questioned him,

a false complaint has been given against the Petitioner. Hence, she prays for grant of anticipatory bail to the Petitioner.

4. The Learned Counsel appearing for the Government would submit that in this case, the Petitioner has assaulted the defacto complainant with knife and iron rods and caused injury on his head. He would further submit that this is the fifth application for anticipatory bail before this Court. He would further submit that this Court taking into consideration that the Petitioner is a habitual offender and a history sheeted rowdy against whom there are four previous cases, had dismissed the earlier applications for anticipatory bail. He had also enclosed the list of previous cases against the Petitioner, which are detailed below:-

S. No.	Crime No.	Offences U/s.
1	Cr. No. 1152 of 2007 T-11 Thiruniravur P.S.	Sec. 302 of I.P.C.
2	Cr. No. 305 of 2013 T-9 Pattabiram P.S.	Sec. 7(1)(a) of CLA Act
3	Cr. No. 278 of 2013 Kayatharu P.S.	Sec. 420 of I.P.C.
4	Cr. No. 1165 of 2007 T-11 Thiruniravur P.S.	Sec. 147, 148, 336, 427 and 395 of I.P.C. r/w 283 of TNPPDL Act
5	Cr. No. 639 of 2020 T-11 Thiruniravur P.S.	Sec. 341, 294(b), 336, 427, 392, 397 and 506(ii) of I.P.C.

He would further submit that the investigation is still pending and that there is no change of circumstances after the dismissal of the earlier applications. Hence, he vehemently opposed for the grant of anticipatory bail to the Petitioner.

5. Heard the Learned Counsels and perused the earlier dismissal orders dated 09.10.2020, 18.11.2020, 01.02.2021 and 16.03.2021.

6. This Court taking into consideration the nature of offence committed by the Petitioner, the antecedents of the Petitioner had dismissed the earlier applications on the ground that the Petitioner is not only a habitual offender, but also a history sheeted rowdy in the concerned Police Station. There is no change of circumstances after the dismissal of the earlier applications. Hence, this Court is not inclined to grant anticipatory bail to the Petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
T-11, Thiruninravur Police Station,
Chennai.
2. The Judicial Magistrate II,
Thiruvallur.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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