

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.10115, 10118 & 10119 of 2021

M.Thanigaivel @ Thaniga ... Petitioner/Accused - 5
in Crl.O.P.No.10115/2021

1.M.Thanigaivel @ Thaniga ... Petitioners/Accused - 2,3
2.T.Vasanth @ Vasa in Crl.O.P.No.10118/2021

T.Vasanth @ Vasa ... Petitioners/Accused - 5
in Crl.O.P.No.10119/2021

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District.
(Crime Nos.11 of 2019,
437 & 307 of 2018)

COMMON PRAYER: Criminal Original Petitions filed under Section 439 Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime Nos.11 of 2019 and 437 & 307 of 2018, on the file of the respondent police.

For Petitioners : Mr.R.Ramachandran
in all petitions

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)
in all petitions

COMMON ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 13.03.2021, for the offence punishable under Section 399 of I.P.C and Section 25 (1) (a) of ARMS Act, in Crime Nos.11 of 2019 and 437 & 307 of 2018, seek bail.

2.The case of the prosecution in the cases is that from the petitioners, two knives and iron rod were seized. Hence, the complaint.

<https://heservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioners would submit that the petitioners never involved in the above said offences as alleged by the respondent Police, and they were not at all present at the place of occurrence at that time. The respondent police having prior enmity with the petitioners, they wantonly implicated the petitioners in the above said cases. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate(Crl.side) would submit that in these cases, the petitioners were arrested and remanded to judicial custody on 13.03.2021, and they are habitual offenders and history sheeters. The petitioners have involved in 19 cases so far, in which two cases were registered for the offences under Section 302 of IPC. All the cases are in the stage of PRC and also investigation are going on. As far as the present cases are concerned, they were arrested and remanded to judicial custody on 13.03.2021 and charge sheet was filed. Even till today, they are pending for committal. Therefore, he vehemently opposed to grant bail to the petitioners.

5. It is seen that the petitioners are habitual offenders and history sheeters. It is also submitted that in the present cases, charges sheet has been laid and it is pending for committal. Further the petitioners have involved in 19 previous cases including two cases registered for the offences under Section 302 of IPC, the details of which are extracted below.

Thaniga @ Thanigaivel

1	B3 Police Station Cr.No.901 of 2001	Sections 147, 294(b), 323 IPC
2	B3 Police Station Cr.No.809 of 2009	Sections 147, 148, 341, 294 (b), 324, 307 IPC r/w 3&4 of TNPPDL Act PT
3	B3 Police Station Cr.No.1162 of 2009	Sections 147, 148, 294(b), 452, 506(ii), 307 IPC - PT
4	B1 Police Station Cr.No.117 of 2016	Sections Man missing @ 147, 148, 364, 323, 324, 302, 201, 120(b) IPC - PT
5	B1 Police Station Cr.No.618 of 2016	294(b), 397, 506(ii) IPC r/w 3(1) of TNPPDL Act-PT
6	B1 Police Station Cr.No.241 of 2017	Sections 302 IPC @ 147, 148, 302, 109 & 120(b) IPC - PT
7	B3 Police Station Cr.No.1249 of 2017	Sections 147, 148, 341, 307 of IPC & 3 (a) Explosive Substances Act, 1908-NTF
8	B1 Police Station Cr.No.708 of 2017	Sections 294(b), 307, 392, 397, 506(ii) IPC UI
9	B1 Police Station Cr.No.483 of 2018	Sections 294(b), 307, 392, 397, 506(ii) IPC UI

10	B1 Police Station Cr.No.437 of 2018	Sections 399 IPC & 25 (i) of Arms Act, 1959-UI
11	B3 Police Station Cr.No.531 of 2018	Sections 448, 294(b), 324, 506(ii) IPC and 307 IPC - UI
12	B2 Police Station Cr.No.294 of 2017	Sections 25(1B) (a) of Indian Arms Act 1959 - UI for (Collector opinion)
13	B3 Police Station Cr.No.541 of 2018	Sections 399 of IPC - UI
14	Dusi Police Station Cr.No.615 of 2009	Sections 120(b), 147, 148, 341, 324, 323, 307 of IPC r/w 3 & 4 of TNPPDL & Explosive Act 98 PT
15	B1 Sivakanchi PS Cr.No.11 of 2019	Sections 399 of IPC
16	Cheyar PS Cr.No.686 of 2019	Sections 147, 148, 302 of IPC r/w 3(i) of TNPPDL Act - UI
17	B1 Sivakanchi PS Cr.No.24 of 2020	Sections 147, 148, 341, 294 (b), 324, 307, 506(ii) IPC
18	B1 Sivakanchi PS Cr.No.25 of 2020	Sections 392, 397 of IPC
19	B1 Sivakanchi PS Cr.No.26 of 2020	Sections 147, 148, 294(b), 324, 397, 307, 506(ii) of IPC

Vasanth @ Vasa

1	B1 Police Station Cr.No.117 of 2016	Sections Man missing @ 147, 148, 364, 323, 324, 302, 201, 120(b) IPC - PT
2	B1 Sivakanchi PS Cr.No.32 of 2015	Sections 147, 148, 341, 294 (b), 323, 307 IPC - PT
3	B1 Sivakanchi PS Cr.No.241 of 2017	Sections 302 of IPC - PT
4	B2 Vishnu Kanchi PS Cr.No.555 of 2018	Sections 294(b), 324, 307, 506(ii) IPC r/w 3(i) of TNPPDL Act
5	B6 PS Cr.No.364 of 2017	Sections 341, 294(b), 392, 506(ii) IPC - PT
6	B3 PS Cr.No.889 of 2017	Sections 294(b), 323, 307 IPC - IU
7	B3 PS Cr.No.1249/17	Sections 147, 148, 341, 307 IPC & 3 (a) Explosive substances Act - IU

8	B1 PS Cr.No.594/17	Sections 399 IPC - IU
9	B1 PS Cr.No.307/18	Sections 399 IPC - IU
10	B1 PS Cr.No.437/18	Sections 399 IPC & 25(i) Arsm Act - IU
11	B1 PS Cr.No.483/18	Sections 294(b), 307, 392, 397, 506(ii) IPC - IU
12	B1 PS Cr.No.825/15	Sections 399 IPC - PT
13	B1 PS Cr.No.1286/15	Sections 399 IPC - PT
14	B1 PS Cr.No.956/16	Sections 294(b), 397, 506 (ii) IPC r/w 3(i) of TNPPDL Act - PT
15	B3 Kanchi Taluk PS Cr.No.889/17	Sections 294(b), 323, 307 IPC
16	B1 Sivakanchi PS Cr.No.24 of 2020	Sections 147, 148, 341, 294 (b), 324, 307, 506(ii) IPC
17	B1 Sivakanchi PS Cr.No.25 of 2020	Sections 392, 397 IPC
18	B1 Sivakanchi PS Cr.No.26 of 2020	Sections 147, 148, 294(b), 324, 397, 307, 506(ii) PC
19	B2 Vishnukanchi PS Cr.No.31 of 2020	Sections 294(b), 324, 506 (ii) IPC

6. Therefore, at this stage, if the petitioners are released on bail, they will abscond and stall the entire trial proceedings. As such this Court is not inclined to grant bail to the petitioners.

7. Accordingly, these Criminal Original Petitions are dismissed.

-sd/-
10/06/2021

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 DISTRICT AND SESSIONS COURT NO.II,
KANCHEEPURAM.

2 THE JUDICIAL MAGISTRATE- I,
KANCHEEPURAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
SIVA KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

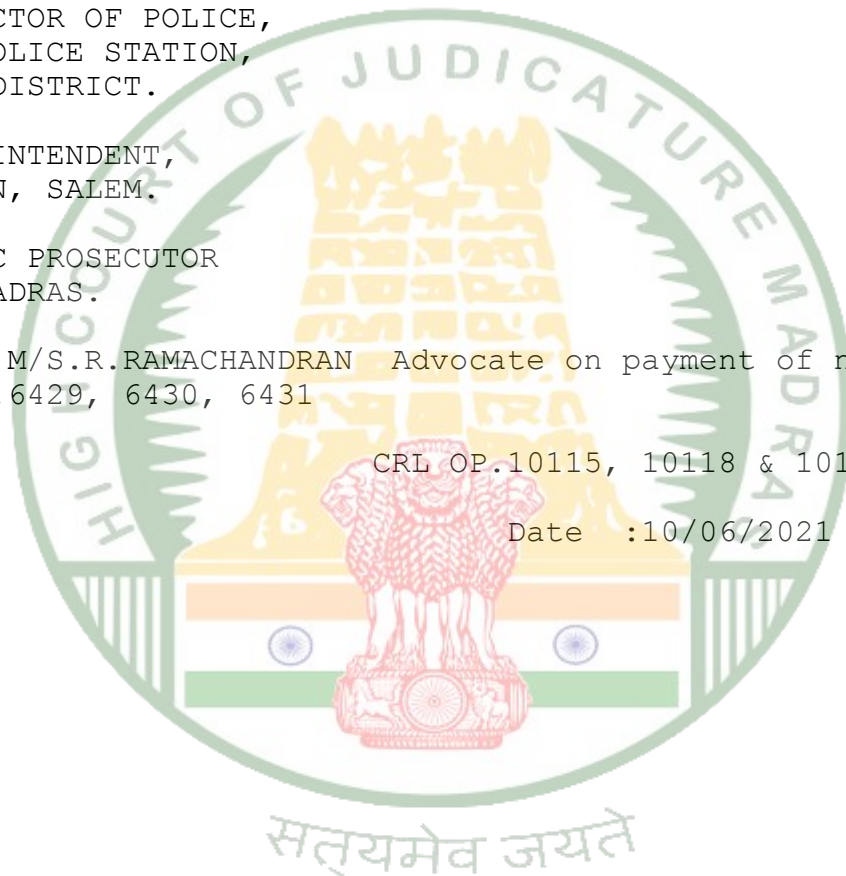
6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S.R.RAMACHANDRAN Advocate on payment of necessary
charges SR.NO.6429, 6430, 6431

CRL OP.10115, 10118 & 10119/2021

Date :10/06/2021

TA-08/07/2021



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