



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.17388 & 17390 of 2021

M.Thanigaivel @ Thaniga ... Petitioner in both Crl.O.Ps

Vs.

The State represented by, ... Respondent in both Crl.O.Ps
The Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District.
(Crime Nos.11 of 2019 and 437 of 2018)

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

For Petitioner : Mr.D.R.Arun Kumar
in both Crl O.Ps

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Criminal Side)
in both Crl O.Ps

COMMON ORDER

The petitioner, who was 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, 1959 in Crime Nos.11 of 2019 and 437 of 2018, seeks bail.

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

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

4. The learned Government Advocate (Crl.Side) would submit that in these cases, the petitioner was arrested and remanded to judicial

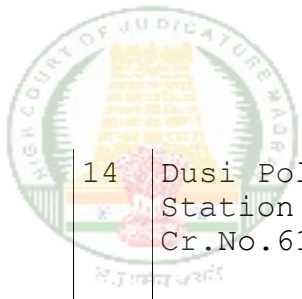


custody on 13.03.2021, and he is habitual offender and history sheeter. The petitioner has involved in 19 cases so far, in which two cases were registered for the offences under Section 302 of IPC. All the cases are in the stage of PRC and also investigation are going on. As far as the present cases are concerned, he was 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 petitioner.

5. It is seen that the petitioner is habitual offender and history sheeter. It is also submitted that in the present cases, charge sheets have been laid and it is pending for committal. Further the petitioner has 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

6. Taking into consideration that the bad antecedents of the petitioner, this Court had dismissed the earlier application filed by the petitioner and that there is no change of circumstances. Therefore, this Court is not inclined to grant bail to the petitioner. However, the petitioner is at liberty to approach the Court below for default bail.

7. Accordingly, these Criminal Original Petitions are dismissed.

-sd/-

22/09/2021

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 JUDICIAL MAGISTRATE,
NO.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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



5 THE SUPERINTENDENT,
CENTRAL PRISON, CHENNAI.

+2 CC to M/S D.R.ARUN KUMAR Advocate on payment of necessary
charges SR.NO.10441, 10442

CRL OP.17388 & 17390/2021

Date :22/09/2021

TA-27/09/2021