



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : **09/04/2021**

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD).Nos.4161, 4162 and 4163 of 2021

Mariraj @ Rasukutty	... Petitioner/Accused No.2 In CRL OP(MD).No.4161 of 2021
Mariraj @ Rasukutty	... Petitioner/Accused No.1 In CRL OP(MD).No.4162 of 2021
Mariraj @ Rasukutty	... Petitioner/Accused No.1 In CRL OP(MD).No.4163 of 2021

Vs

State rep.by The Inspector of Police, Cheranmahadevi Police Station, Tirunelveli District. Crime No.455 of 2020.	...Respondent/Complainant In CRL OP(MD).No.4161 of 2021
State Rep.by The Inspector of Police, Cheranmahadevi Police Station, Tirunelveli District. Crime No.587 of 2020.	...Respondent/Complainant In CRL OP(MD).No.4162 of 2021
State Rep.by The Inspector of Police, Cheranmahadevi Police Station, Tirunelveli District. Crime No.589 of 2020.	...Respondent/Complainant In CRL OP(MD).No.4163 of 2021

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate. (in all Crl Ops)

For Respondent : K.Dinesh Babu,
Additional Public Prosecutor
(in all Crl OPs)



PETITIONS FOR **ANTICIPATORY BAIL** Under Sec.438 of Cr.P.C.

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.455, 587 & 589 of 2020 on the file of the Respondent Police.

COMMON ORDER: The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable, under Sections 8(c) and 20(b)(ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.455 of 2020, under Sections 448, 294(b), 427 and 506(ii) of IPC in Crime No.587 of 2020, under Sections 341, 294(b), 324, 307 and 506(ii) of IPC, in Crime No.589 of 2020 on the file of the respondent police, the petitioner has come forward with the petitions seeking anticipatory bail.

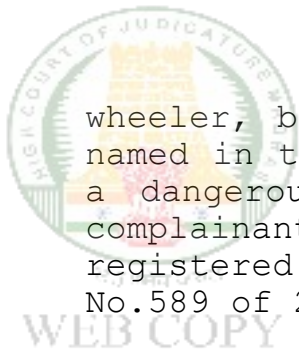
2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3.For the sake of understanding, the three cases are elaborated separately.

4.With regard to the case registered in Crime No.455 of 2020, when the defacto complainant was on routine duty, he found that the petitioner along with one Siva, is having something in a plastic bag and on seeing the police, they tried to escape from the place of occurrence. The petitioner escaped from the place of occurrence. The respondent police caught only Siva and found that he is having 1 ½ kg Ganja. Hence, a case has been registered under Sections 8(c) and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.455 of 2020.

5.With regard to the case registered in Crime No.587 of 2020, the defacto complainant alleged that one Isakkipandi @ Chinnadurai loved one Petchiammal @ Soundarya. There was enmity between the two families in this regard. On 14.12.2020, about 10.45 p.m., when the defacto complainant was in his house, the three persons including the petitioner illegally trespassed into his house and damaged the articles; TV, computer, Monitor, Printer and his vehicle bearing Registration No.TN 72 AF 9707 SWARAJ MAZDA. The damage caused to the property was of Rs.30,000/-. Therefore, a case has been registered under Sections 448, 294(b), 427 and 506(ii) of IPC in Crime No.587 of 2020.

6.With regard to the case registered in Crime No.589 of 2020, the defacto complainant alleged that there was enmity between the family of Isakkipandi @ Chinnadurai and Petchiammal @ Soundarya, in connection with the aforesaid love affair and the marriage between them. On 15.12.2020, when the defacto complainant was riding his two



wheeler, bearing Registration No. TN 72 AB 1182, the three persons named in the FIR including the petitioner waylaid and attacked with a dangerous weapon Aruval. As a result of which, the defacto complainant sustained injuries. Therefore, a case has been registered under Sections 341, 294(b), 324, 307 and 506(ii) in Crime No.589 of 2020.

7.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present cases. He further submitted that there is no recovery from the petitioner and therefore, the case under NDPS Act is falsely registered against the petitioner and that the other two cases are registered on a motive that he supported the love affair of his brother. Hence, the petitioner prays for anticipatory bail in all the three cases.

8.The learned Government Advocate (criminal side), on instructions, submitted that the petitioner is a rowdy element and also a history sheeter. The petitioner has several cases registered against him. The case details against the petitioner is also produced before this Court.

9.It is seen from the details furnished, the petitioner, apart from the aforesaid three cases, is having 5 cases, out of which, there are two murder cases, one 307 case, one NDPS Act case and one case registered under Section 387 and 506(ii) of IPC. Totally, the petitioner is having eight cases against him.

10.Considering the fact that the petitioner is having 5 previous cases, the repeated involvement of the petitioner in criminal activities and pendency of all these criminal cases and the fact that the investigation in the aforesaid three cases is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the criminal original petitions are dismissed.

sd/-
09/04/2021

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/ /2021
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 INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

ORDER IN
CRL OP(MD).Nos.4161, 4162
and 4163 of 2021
Date :09/04/2021

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