



WEB COPY

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

Dated: 04/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP (MD) No.2068 of 2022

Azhakesan ... Petitioner/Sole Accused

Vs.

State Rep. By its
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur.
(Crime No.37 of 2022)

... Respondent/Complainant

For Petitioner : M/s.VR.Shanmuganathan, Advocate

For Respondent : M/s.P.Kottai Chamy
Government Advocate (Criminal side)

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.37 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused was arrested on 16/01/2022 and remanded to judicial custody for the offences punishable under sections 294(b), 353, 307 IPC and Section 3(1) of TNPPDL Act, in Crime No.37 of 2022 on the file of the respondent police, seeks bail.

2.The petitioner is facing the charges for the offences under sections 294(b), 353, 307 IPC and Section 3(1) of TNPPDL Act.

3.Heard both sides.



4. Reading of the FIR shows that on the date of the occurrence I.e., on 16/01/2022 at about 11.00 am, the petitioner alleged to have gathered people in the place of occurrence for the purpose of meeting with regard to temple issue. On information of the above said gathering, when the de-facto complainant went to the occurrence place at about 10.30 am, the other people ran away. But this petitioner with an aruval criminally intimidated the de-facto complainant and tried to assault him. But he escaped from the assault, the petitioner damaged the front side glass of the two wheeler. When the de-facto complainant tried to nab, the petitioner escaped from the place of occurrence. So on the basis of the above said occurrence, the case has been registered.

5. Now seeking bail this petition came to be filed by the petitioner on the sole ground that even though the petitioner is involved in previous cases, so far as this occurrence is concerned, none is injured and a false case has been foisted upon him.

6. Earlier, the petitioner moved bail petition before the Principal Sessions Judge, Thanjavur, in CrI.MP No.447 of 2022 and that came to be dismissed on 27/01/2022 on the ground that the petitioner is having 11 previous cases, among which 2 cases are 307 IPC and 4 cases are 386 IPC, 2 cases with regard to damage to the public property and one hurt case and one 352 IPC case and one case of 376 IPC. In view of the bad antecedents of the petitioner, the earlier bail petition came to be dismissed by the learned Principal Sessions Judge, Thanjavur.

7. Even though no one was injured in this occurrence, considering the fact that 11 previous cases are pending and most of the cases are hurt cases or damage to the public properties, if the petitioner is released on bail, there is every likelihood of committing the very same offence. Further, the investigation is in the preliminary stage. So. this court is not inclined to grant bail to the petitioner at this stage.

8. In the result, this criminal original petition is **dismissed**.

Sd/-

04/02/2022

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/ /2022

Sub-Assistant Registrar (C.S.II)
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,
AYYAMPETTAI POLICE STATION,
THANJAVUR.
2. THE OFFICER INCHARGE,
CENTRAL SUB JAIL, THANJAVUR.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2068 of 2022
Date :04/02/2022

SP/PN/SAR II/16/02/2022/3P/4C