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Crl.O.P.No.5439 of 2024

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**T.V.THAMILSELVI, J.**

The petitioner, who was arrested and remanded to judicial custody on 01.11.2021 for the alleged offence under Sections 294(b), 384, 435, 507 and 506(ii) of I.P.C. and Sec.4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.178 of 2019 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 01.04.2019 the petitioner along with other accused have alleged to have attempted to extort money from the defacto complainant and also vandalised his office stairs and shutters. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he was originally arrested on 13.11.2020 in Crime No.835 of 2020 and remanded to judicial custody in the said case. Now, the respondent police arrested the petitioner in this case by showing him as absconding accused and he is in custody and there is no progress in this case till date. He would also submit that he was granted bail by this court in Crl.O.P.Nos. 32449, 32491, 32507 and 32530 of 2022, by an order dated 28.12.2022



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and other cases also granted bail in Crl.O.P.Nos. 10200, 10201, 10206, 10208, 10209, 10211, 10212, 10214 of 2023 dated 17.05.2023. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 2 years 4 months and this is the fourth petition seeking for bail. He would submit that co-accused was already released on bail and out of 51 cases pending against him, 8 cases ended in acquittal. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 51 previous cases pending against him, in which 5 murder cases pending against him and he is a notorious person. He would submit that when he has not appeared before the concerned Magistrate, non-bailable warrant also issued against him and some of the cases are posted before the trial court for examination of witnesses. He would submit that now the trial was begun and at this stage, if he is released on bail, he would tamper the witnesses and hamper



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the investigation and the trial would be stalled. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and on seeing the previous antecedents of petitioner, having 51 previous cases including 5 murder cases pending against him and out of which, 8 cases ended in acquittal and he is a notorious person and also considering the fact that even assuming that bail was granted in one case, the remaining other cases pending against him as well as on seeing the conduct of petitioner, at this stage, if he is released on bail, there is possibility of tampering the witnesses and hampering investigation and also the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

**25.03.2024**

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