



CRL OP(MD). No.21406 of 2024

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

Date : 19/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21406 of 2024

Balakrishnan

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep By,
The Inspector of Police,
Pappakudi Police Station,
Tenkasi District.
(Cr.No.187 of 2024.)

... Respondent/Complainant

For Petitioner : Mr.D.Venkatachalam, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.187 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 25.06.2024 for the offences under Sections 294(b), 307 and 506(2) IPC in



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Crime No.187 of 2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant and his wife were standing nearing a bus stop and the petitioner is said to have come to the spot and abused the defacto complainant in filthy language. He also attacked the defacto complainant with a sickle and the defacto complainant fortunately escaped from the attack.

3.Heard the learned Counsel appearing on either side.

4.The petitioner had earlier filed a bail application in Crl.O.P(MD)No.17136 of 2024 before this Court. At that time, the petitioner was seeking for an interim bail for one week on the ground that his son is getting married. Even while dealing with such a request, this Court took into consideration the fact that there are 54 previous cases against the petitioner, out of which, 22 cases were pending. Therefore, this Court was not even inclined to release the petitioner on interim bail and accordingly, that petition was dismissed by order dated 04.10.2024.

5.The petitioner once again approached this Court and filed a petition in Crl.O.P(MD)No.18864 of 2024. Even this petition was also dismissed by order dated 29.10.2024.

6.The petitioner once again approached the District and Sessions Court, Tenkasi and filed a bail application. The same was dismissed by the Principal



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District and Sessions Judge on the ground that there is absolutely no change in circumstances and the Court also took into consideration the earlier orders passed by this Court while dismissing the bail application.

7.The present bail application has been moved before this Court mainly on the ground that there are no previous cases against the petitioner. To substantiate the same, the suspension of sentence order passed by the Principal Sessions Judge, Tenkasi in Cr.M.P.No.2336 of 2024 in Appeal No.80 of 2024 was placed before this Court. The petitioner was convicted and sentenced by the learned Judicial Magistrate, Alankulam in C.C.No.230 of 2018. Against the same, the petitioner filed an appeal and along with the appeal, the petitioner filed an application for suspension of sentence. While dealing with these applications, at paragraph No.4 of the order, the learned Principal Sessions Judge has recorded that the prosecution has not reported any other cases pending against the petitioner. Accordingly, suspension of sentence petition was allowed.

8.When the above order was brought to the notice of the learned Additional Public Prosecutor, he furnished the details of the 53 previous cases against the petitioner. Out of these 53 cases, it is seen that 23 cases are pending against the petitioner.

9.It is quite unfortunate that some police officer has instructed the learned



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Public Prosecutor before the Principal Sessions Judge, Tenkasi, as if there are no cases against the petitioner. Obviously such instructions were given for other reasons. There shall be a direction to initiate action against the police officer who gave such instruction to the Public Prosecutor when the Court was dealing with the suspension of sentence application.

10.This Court does not find any change in circumstances to enlarge the petitioner on bail and this Court takes into consideration the previous cases against the petitioner and therefore, the present criminal original petition is dismissed.

sd/-
19/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

To

1.The Inspector of Police,
Pappakudi Police Station,
Tenkasi District.

2.The Superintendent,
Central Jail, Palayamkottai.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.21406 of 2024
Date :19/12/2024

ED/ SKN /SAR- (06/01/2025) 5P / 4C

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