

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, SALEM

Present : Thiru.S.Jeganathan, B.A., B.L., D.C.A., C.J.,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem.

Thursday, the 13th day of October, 2022

CRIMINAL MISCELLANEOUS PETITION NO.3418/2022
(CNR.No.TNSA010054872022)

- 1) Sarathy (25) S/o Samydoss
- 2) Balu @ Balamurugan (36) S/o Raja
- 3) Kadharhussain (29) S/o BabulalPetitioners/ Accused.

/ Versus /

State by: The Inspector of Police,
Kitchipalayam PS.
Cr.No.232/2022.Respondent / Complainant.

This petition is filed on 11.10.2022 under section 439 of Code of Criminal Procedure, to grant bail to the petitioners.

This petition is filed by Thiru.Rasa Parthipan, Counsel for the petitioners and the Public Prosecutor for the respondent, after perusing the averments, this Court delivered the following:

O R D E R

Heard both sides and perused the records.

This petition is filed by Counsel for the petitioners/accused U/s 439 of Cr.P.C., seeking bail. The petitioners/accused were remanded to judicial custody on 26.07.2022 for the alleged offences u/sec.341, 392 r/w 397 and 506(ii) IPC.

The learned counsel for the petitioners would submit that the petitioners are falsely implicated in this case and they are in judicial

custody for the past 79 days; the police used to file the cases against the petitioners on false complaints; against all the petitioners Goondas Act has been invoked and they were detained, subsequently the Advisory Board set at liberty and relieved them from the charges of Goondas Act, hence prays to release the petitioners on bail with any condition.

Per contra, the learned Public Prosecutor would submit that the 1st petitioner in this case is a history sheeter No.597/2017, the 2nd petitioner is a history sheeter No.576/2017 and the 3rd petitioner is a history sheeter No.596/2017; the 1st petitioner is having 16 cases on his credit, the 2nd and 3rd petitioners are having 13 cases each on their credit; the petitioners are habitual offenders, if they are released on bail, they will commit their operation from tomorrow onwards and it will be a threat to the society, hence he strongly objected to grant of bail to the petitioners.

Considering the facts and circumstances and taking into account the previous cases on the credit of the petitioners, this Court is not inclined to grant bail to the petitioners.

As such this petition is dismissed.

Pronounced by me in Open Court, this the 13th day of October, 2022.

Sd /- S.Jeganathan,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem

Copy to the petitioners through Thiru.Rasa Parthipan,
Advocate, Salem.