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CRL OP(MD).



23

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

Date : 02/03/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.4036 of 2023

Hari ... Petitioner/Accused No.10

Vs

The State Rep.by
The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
(Crime No.367/2022).

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu.S,

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.367 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 09.01.2023 for the offence punishable under Sections 109,120(b),395,397,457 of IPC in Crime No.367 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.12.2022 at about 8.15 pm., while the defacto complainant along with his 16 years old daughter and 11 years old son were inside the house, five unknown persons who had masked their faces with monkey cap hold crowbar and knife on their hands, tied the defacto complainant and her family members with rope and robbed a sum of Rs.18,50,000/-, 8 sovereigns of gold thali chain, three sovereigns and 7 sovereigns of gold chain, 10 gold bangles weigh about 23 sovereigns, ½ sovereign weighed stud one pair, two golden rings total weight 2 sovereigns and three cell phones and fled away from the scene of occurrence.

<https://www.mca.gov.in/case>



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him on suspicion. He would further submit that the petitioner is in judicial custody from 09.01.2023, hence he seeks bail.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is case of grave nature where the accused persons wearing masks and covering their identities have entered into the house of the defacto complainant knowing full well that she was having money threatened her by tying the entire family with rope and decamped with cash and jewels from the scene of occurrence. He would further submit that as per the report received from NAFIS, the petitioner is having two previous cases for the offence under Dacoity. The bail petitions filed by the co-accused were dismissed by this Court. Hence he objected to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the taking into consideration the offence committed by the petitioner and also taking note of the fact that the investigation is in nascent stage, this Court is not inclined to grant bail to the petitioner.

7. Hence this Criminal Original Petition stands dismissed
sd/-

02/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
VEDASANDUR POLICE STATION, DINDIGUL DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-3242[I] dated
02/03/2023)

ORDER

IN

CRL OP(MD) No.4036 of 2023

Date :02/03/2023