



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1125 of 2018

P.SUDARSAN

... PETITIONER / ACCUSED
ACCUSED NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
(CRIME NO.760 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

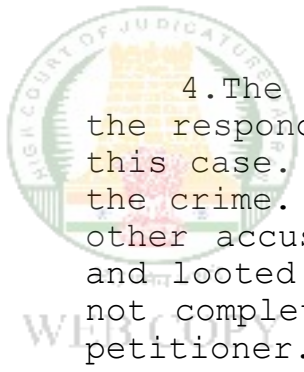
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / Rank not known, who was arrested and remanded to judicial custody on 20.12.2017 for the offence punishable under Sections 394 I.P.C., and subsequently the same has been altered into 394 and 397 I.P.C., in Crime No.760 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a house wife. On 12.12.2017, while the defacto complainant was alone in her house, two unknown persons came into the defacto complainant's house by hiding her face with kerchief, pushed her inside and locked the house. Thereafter, the accused persons tied the hands of the defacto complainant, looted away the gold jewels, weighing about 136 sovereigns, subsequently they assaulted the defacto complainant, caused injury to her and the accused persons escaped from the scene of occurrence. Hence, case has been registered against the petitioner and others. Thereafter, the petitioner was arrested and remanded to judicial custody on 20.12.2017.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he is an Engineering Student and pursuing third year in Velalar College of Engineering and Technology at Erode. He further submitted that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are totally 8 accused in this case. The petitioner is arrayed as A3. He is the master mind of the crime. During the time of occurrence, this petitioner along with other accused trespassed into the house of the defacto complainant and looted away the gold jewels. According to him, investigation is not completed. Hence, he vehemently opposed to grant bail to the petitioner.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner and other 7 accused in this case wrongfully entered into the house of the defacto complainant and looted away the gold jewels weighing about 163 sovereign. According to prosecution, portion of the property was recovered from the petitioner. The petitioner herein committed the offence with pre-planned manner. In the above circumstances, investigation is not completed. Hence, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
24/01/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.1125 of 2018
Date :24/01/2018

MS/CM-VR/SAR.1/01.02.2018/2P.4C