



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.787 of 2018

VINOTH,

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
CR.NO.459/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.SAMIDURAI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 07.11.2017 for the alleged offence punishable under Sections 457, 294(b), 353 , 394, 397, 307 and 506(ii) of IPC., in Crime No.459 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons trespassed into the house of the defacto complainant and stolen the jewels. During the time of occurrence, on the information given by the neighbours, the police party went to the occurrence place, thereby, one of the accused assaulted the police personnel using aruval and caused injuries and escaped from the place and other accused were caught by the public. Therefore, a case has been registered for the above said incident.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is studying Diploma in Nursing. Further, the learned counsel appearing for the petitioner stated that the petitioner has been falsely implicated in this case and he



is in judicial custody for the past 72 days. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that the injured person has been discharged from the hospital. Further, he added that during the time of occurrence, the petitioner was caught red handed by the people. According to the prosecution, part of the stolen properties are recovered and the investigation is still pending in this case. He further submitted that this petitioner has six previous cases and also produced the list of previous cases pending against the petitioner.

5. The submissions made by the learned counsel on either side are considered. The petitioner is in judicial custody from 07.11.2017 for the offence under Sections 457, 294(b), 353, 394, 397, 307 and 506(ii) of IPC. It is alleged that during the time of occurrence, the petitioner and other four accused in order to commit robbery, trespassed into the house of the defacto complainant and committed this crime. According to the prosecution, part of the properties which were stolen by this petitioner is not yet recovered. Considering the fact that for the offence under Section 397 of IPC., the recovery of stolen property is necessary, due to this crucial stage of investigation, custodial interrogation is necessary. Further, the petitioner is previously having the following cases:

Sl.No .	Name of the Police Station	Crime No.	Under Sections
1	Uthamapalayam	18/2011	20(b)(ii)(B) NDPS Act
2	Uthamapalayam	208/2014	394 IPC
3	Uthamapalayam	156/2016	387 IPC
4	Uthamapalayam	462/2016	380 IPC
5	Uthamapalayam	657/2016	394 IPC
6	Ambai	316/2017	457, 380 IPC

So considering the antecedents of the petitioner and also considering the stage of investigation, this Court came to the conclusion that if the petitioner is released on bail, he will tamper the witness and hamper the investigation. Accordingly, this Criminal Original Petition is dismissed.

sd/-
18/01/2018

/ TRUE COPY /

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



1 THE SUB INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION, AMBASAMUDRAM,
TIRUNELVELI DISTRICT.

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

3 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI, TIRUNELVELI DISTRICT

+1. CC to M/S.K.SAMIDURAI Advocate SR.No.1099

GJM/CM/VR/SAR-4-1.2.18-3P-5C

ORDER
IN
CRL OP(MD) No.787 of 2018
Date :18/01/2018