

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.05.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.7609 of 2020

N.Duraisamy ... Petitioner
Vs.

State Rep. by
The Inspector of Police,
Thiruchengode Rural Police Station,
Namakkal District.
Crime No.48 of 2020 ... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.48 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar.
For Respondent : Mr.Mohammed Riyaz,
Additional Public Prosecutor.

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 18.03.2020 for the offence punishable under Sections 454 and 380 of IPC in Crime No.48 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner break opened the defacto complainant's house and had stolen 3½ sovereigns of gold, worth about Rs.41,000/- and other articles. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He has been falsely implicated in this case only for the statistical purposes. He would further submit that the petitioner is in judicial custody from 18.03.2020 onwards and hence, seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender and so far he has involved in five previous cases, similar in nature. Insofar as the present case is concerned, the petitioner had broke open the door of the defacto complainant's house, when they were out of station and had stolen 3½ sovereigns of gold and other valuable articles. He further submitted so far no recovery has been made and investigation is still pending.Hence, he vehemently opposed for grant of bail to the petitioner.

5.It is seen that the petitioner is a sole accused in this crime and he is a habitual offender by committing similar kind of offence. It is also submitted that he has very bad antecedents and involved in five previous cases. In the present case, he had broke open the defacto complainant's house and stolen 3½ sovereign of gold and other articles. Further he was arrested only on 18.03.2020. Under such circumstances, if the petitioner is let out on bail, he will indulge in the same kind of offences. Therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

15/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUCHENGODE RURAL POLICE STATION,
NAMMAKKAL DISTRICT.

CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.7609/2020

Date :15/05/2020

MK:30/06/2020



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