

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.12392 of 2020

1. Udayakumar
2. Raja

... Petitioners

Vs.

State Rep.by Inspector of police,
Kandili Police Station,
Vellore District.
(Crime No.811/2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,to enlarge the petitioners on bail in the event of their arrest in Crime No. 811 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in crime No.811/2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant running a Provision Store in front of the house, all the accused conspired to commit dacoity of the business collection amount from the defacto complainant shop. Pursuant to which, A1 to A6 trespassed in to the shop at closing hours in the night and attacked the defacto complainant's brother viz., Sridhar and took an amount of Rs.15,000 from the cash box and escaped from the scene of occurrence using by motorcycle which was kept ready in position by A7 to A9. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case based on the confession of the arrested accused. Hence, he prays for grant of anticipatory bail to the

4. The learned Additional Public Prosecutor submitted that the second petitioner has been arrested on 13.08.2020 and the petitioner has become infructuous in respect of the second petitioner. He would submit that all the accused conspired together and in order to commit dacoity they entered into the shop of the defacto complainant at closing hours and after attacking the brother of the defacto complainant had taken away the amount of Rs.15,000/- from cash box. He further submitted that excepting first petitioner and A6 and A13 and all other accused persons have been arrested. He further submitted that the amount has not been recovered and the custodial interrogation of petitioner is very much necessary. Hence, he vehemently opposed for grant of Anticipatory Bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that they trespassed into the shop at night hours committing dacoity, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

17/08/2020

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 JUDICIAL MAGISTRATE,
NO.II, THIRUPPATHUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.12392/2020

Date :17/08/2020