

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12593 of 2020

Karthi S/o.Selvam

... Petitioner

Vs.

The State

Rep. by the Inspector of Police
Kondalampatti Police Station
Salem City
Salem District
(Crime No.539 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.539 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.06.2020 for the offences punishable under Section 294 (b), 323, 392, and 397 IPC, in Crime No.539 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused waylaid the guest worker who was returning home during Pandemic by walk and assaulted him, threatened him and robbed a sum of Rs.15,000/- from him and also took away his cell phone.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the said occurrence is stated to have taken place on 22.05.2020 and the complaint was given only on 23.06.2020.

4.Per contra, the learned Government Advocate (Crl. Side) would submit that the defacto complainant Kannan was walking through Salem to go back to his Village during Covid pandemic period. While he was on his way, the petitioner along with other accused had waylaid the defacto complainant, assaulted him, threatened him and had taken away a sum of Rs.15,000/- and also his cell phone. He would further

submit that since the defacto complainant was going to his Village, he was not able to lodge the complaint on the same day. Immediately on his return to Salem, lodged a complaint before the respondent police. He would further submit that the identification parade has not been conducted so far and if the petitioner is released on bail, it will cause detriment to investigation.

5.Taking into consideration of the fact that the identification parade has not been conducted till date, this Court is not inclined to grant bail to the petitioner. However, the petitioner is at liberty to approach this Court once the identification parade is over.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

21/08/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE INSPECTOR OF POLICE,
KONDALAMPATTI POLICE STATION,
SALEM CITY, SALEM DISTRICT.

सत्यमेव जयते

CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges

WEB COPY

CRL OP.12593/2020

Date :21/08/2020

RD 07/09/2020