

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 24.08.2020
CORAM :
THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No.12787 of 2020

K.Gowrishankar
S/o.Kandasamy

... Petitioner

Vs.

State rep. by
The Sub Inspector of Police
Pallipalayam Police Station
Namakkal District
(Crime No.728 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.728 of 2020 pending investigation on the file of the Respondent police.

For Petitioner : Mr.C.S.Saravanan
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 30.07.2020 for the offences punishable under Section 307 IPC, in Crime No.728 of 2020, seeks bail.

2.The case of the prosecution is that prior to the occurrence, the petitioners have broken up the mobile shop and committed the theft. Hence, they were arrested by the Kumarapalayam Police Station. After obtaining bail from the Court, the accused suspected that the defacto complainant had informed the same to the respondent police and assaulted him with knife.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would vehemently opposes for the grant of bail to the petitioner stating that prior to the occurrence, the defacto complainant, the petitioner and other accused committed the theft in the mobile shop and the petitioners were arrested by the Kumarapalayam Police. Due to which, the accused suspected that the defacto complainant would have given information about the theft to the police and they have joined

together and assaulted him. He would further submit that there are four previous cases pending against this petitioner as listed below:

- 1.Crime No.423 of 2017 u/s.302, 201, 364, 396, 397 IPC
- 2.Crime No.376 of 2018 u/s.454, 380 IPC
- 3.Crime No.495 of 2018 u/s.392, 397 IPC and
- 4.Crime No.161 of 2018 u/s.394 IPC

5.Taking into consideration of the fact that the petitioner was arrested only on 29.07.2020 and he has got four previous cases to his credit, this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

sd/-
24/08/2020

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 SUB INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.12787/2020

Date :24/08/2020

RD 07/09/2020