

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2020

CORAM

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

Crl.O.P.No.15549 of 2020

Nagaraj

... Petitioner

Vs.

State: Inspector of Police,
SIPCOT Police Station
Krishnagiri District
(Crime No.617 of 2020)

... Respondent

PRAYER: Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.617 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mrs.S.Thankira
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 10.09.2020, for the offences punishable under Section 394 @ 395, 397 IPC, in Crime No.617 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Sharmila is that she is the resident of Hosur and that on 02.09.2020 while she was at home, four unknown persons who could be identified, entered into the house, threatened her and her children, assaulted her and also robbed gold jewellery worth Rs.1,75,000/- from her.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he happened to be a friend of the other accused, other than that he has nothing to do with the said offence.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that it is a case where the petitioner and the other accused conspired and pre-planned with A1 one Boomika, who is the neighbour and friend of the defacto complainant and committed robbery. A1 / Boomika knowing fully well that the defacto complainant had gold jewels in the house had planned with the other accused and opened the door causally as if she had gone to visit the defacto complainant and upon her instructions the other accused entered into the house and as if they do not know

Boomika/A1 threatened her and the defacto complainant and robbed gold jewellery. As far as this petitioner is concerned, he is A2 and the specific overt act against him is that he had gagged the mouth of the defacto complainant so that the other accused could enter into the house and make a search. Thereafter, the petitioner also pulled the ear stud worn by the defacto complainant, due to which, she sustained bleeding injuries. She would further submit that the identification parade was conducted and the petitioner has been identified. From the call details between A1 Boomika and other accused, the involvement of A1 Boomika was found in this case. She would further submit that all the other accused have been arrested and in judicial custody and the respondent needs time to collect other details with regard to the antecedents and involvement of the petitioner in other cases and investigation is in preliminary stage.

5. Taking into consideration of the gravity and the nature of the offence committed by the petitioner, and also considering the fact that the petitioner was arrested very recently on 10.09.2020 and the investigation is in preliminary stage, this Court is not inclined to grant bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-

01/10/2020

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 OFFICER INCHARGE,
SUB JAIL, HOSUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.15549/2020

Date :01/10/2020

RVR 07/10/2020