

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16039 of 2020

1.Boomika
2.Prasanth

... Petitioners

Vs.

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

... Respondent

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

For Petitioners : Mr.R.Thirumoorthy

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 07.09.2020 for the offences punishable under Sections 394 @ 395 of IPC, r/w Section 397 of IPC, on the file of the respondent police, seek 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 petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the 1st petitioner is the neighbour to the defacto complainant and she is also the victim at the time of occurrence and other accused have also attacked her and even she suffered injuries. He would further submit that the petitioners were arrested on 07.09.2020.

4.Per contra, the learned Government Advocate (Cr1.Side) appearing for the respondent would vehemently oppose stating that the 1st petitioner / A1 is the main accused in this case. It is a case where the 1st petitioner (A1) one Boomika, who is the neighbour and friend of the defacto complainant, pre-planned and conspired with other accused and committed robbery. The 1st petitioner/ 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 by gagging the mouth of the defacto complainant so that the other accused could enter into the house and make a search. Thereafter, the accused also pulled the ear stud worn by the defacto complainant, due to which, she sustained bleeding injuries. He would further submit that from the call details between the 1st petitioner / A1 / Boomika and other accused, the involvement of the 1st petitioner / A1 / Boomika was found in this case. He 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 petitioners 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 petitioners, and also considering the fact that the petitioners were arrested very recently on 07.09.2020 and the investigation is in preliminary stage, this Court is not inclined to grant bail to the petitioners.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-

09/10/2020

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 SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, SALEM

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

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

CRL OP.16039/2020

Date : 09/10/2020

RVR 16/10/2020