

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.16330 of 2020

Udayakumar

... Petitioner

Vs.

State Rep.by

The 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 petitioner on bail in the event of his arrest in Crime No. 811 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.m.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 397 of IPC in crime No.811/2020 on the file of the respondent police, seeks 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 entered to shop at closing hours in 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 petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession of the arrested accused. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that all the accused conspired together and in order to commit dacoity and 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 the amount has not been recovered and the custodial interrogation of petitioner is very much necessary. He further submitted that earlier this Court dismissed the Anticipatory Bail to the petitioner in Crl.O.P.No.12392 of 2020 dated 17.08.2020. He further submitted that there is no change of circumstances in this case. 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 entered into the shop for committing dacoity and there is no change of circumstances in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

14/10/2020

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 JUDICIAL MAGISTRATE,
NO.II, TIRUPPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.T.MURUGANANTHAM
charges

Advocate on payment of necessary

CRL OP.16330/2020

Date :14/10/2020

RVR 23/10/2020