

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2020

CORAM :

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

Crl.O.P.No.16489 of 2020

Akash

... Petitioners

Vs.

The State rep by

The Inspector of Police

M-4 Redhills Police Station

Chennai

Crime No.3737 of 2020 dated 05.08.2020 ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3737 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Kalaivani

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 08.08.2020 for the offence punishable under Section 397 of IPC in Crime No.3737 of 2020 on the file of the respondent, seeks bail.

2. The case of the prosecution as per the defacto complainant one Venkatesan is that he is a lorry driver and on 05.08.2020 at an early hours of 2.45 a.m., the accused have knocked the door of the defacto complainant and when they have refused to open the door, the accused who could be identified, pushed the door and entered into the house and threatened the family members of the defacto complainant and committed the theft of 7 $\frac{3}{4}$ sovereigns of gold jewels and also their mobile phones.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 08.08.2020 and he has been suffering incarceration for more than two months. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is a notorious element and in the night hours, the petitioner along with other accused entered into the house of the defacto complainant by breaking the door open and committed a robbery of 7 $\frac{3}{4}$ sovereigns of gold jewels and mobile phones worth Rs.58,500/-. He would further submit that there are two previous cases against the petitioner out of which, one case has been registered in H-6 R.K.Nagar Police Station for offence under Section 307 IPC and yet another case has been registered in H-3 Tondiarpet Police Station for offence under Section 397 IPC. He would further submit that the test identification parade in respect of the petitioner has to be conducted since the complainant has stated that he can identify the persons and the investigation is pending and that the bail applications of the co-accused were dismissed by this Court in Crl.O.P.No.14290 of 2020 and Crl.O.P.No.16154 of 2020 by order dated 14.09.2020 and 12.10.2020 respectively.

5.Taking into consideration of the nature of offence and the antecedents of the petitioner and the submissions so made by the learned Government Advocate (Crl. Side) and that the bail applications of the co-accused were dismissed by this Court recently on 14.09.2020 and 12.10.2020, this Court is not inclined to grant bail.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
15/10/2020

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, PUZHAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
M-4 REDHILLS POLICE STATION.

+1CC to M/S T.KALAIVANI Advocate on payment of necessary
charges SR NO.7058

CRL OP.16489/2020

Date :15/10/2020

MK:23/10/2020



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