

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

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

Crl.O.P.No.16299 of 2020

Abdul Nasar

... Petitioner

Vs.

State rep. By

... Respondent

The Inspector of Police,
Koradachery Police Station,
Tiruvarur District.
Crime No.1352 of 2020.

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1352 of 2020 on the file the Koradachery Police Station, Tiruvarur District..

For Petitioner : Mr.M.Mohamed Saifulla

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.08.2020 for the offence punishable under **Sections 393 and 397 of Indian Penal Code, in Crime No.1352 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Jayanthi is that on 10.08.2020 around 1 p.m., while she was returning back to her house with her son in a two wheeler, three persons who could be identified had come in a Pulsar bike, kicked her two wheeler due to which, they fell down. At that time, the accused attempted to snatch her chain. When she raised alarm, two of the accused who had come in the back, assaulted her with iron rod due to which, she sustained injuries. Thereafter, when people around attempted to apprehend the accused, they escaped from the place in the Pulsar bike. Hence, the complaint.

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 this is the

second application for bail and the earlier application was dismissed by this Court on 14.09.2020 and that the petitioner has been suffering incarceration for more than two months from 12.08.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that it is a case of attempt to snatch chain that too by kicking a moving two wheeler and by assaulting the defacto complainant who is a lady, with iron rod on her head. He would further submit that the victim has stated that she could identify the accused and that the proceedings to conduct test identification parade has been initiated and that the learned Judicial Magistrate, Thiruthuraipoondi, has been deputed to conduct the test identification parade and the investigation is pending.

5. Taking into consideration the serious nature of offence and the proceedings to conduct test identification parade has been initiated and the investigation is pending and that the earlier application was dismissed recently on 14.09.2020, this Court is not inclined to grant bail to the petitioner for the present. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
16/10/2020

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 INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM.

CC to M/S.M.MOHAMMED SAIFULLA Advocate on payment of necessary charges

CRL OP.16299/2020

Date :16/10/2020

TA-02/11/2020

<https://hcservices.ecourts.gov.in/hcservices/>