

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

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

CRL.O.P.No.16394 of 2020

K.Iywin

... Petitioner

Vs.

State rep. By

... Respondent

The Inspector of Police,
E-2, Royapettah Police Station,
Chennai.

(Crime No.1496 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1496 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Petchimuthukumar

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.08.2020 for the offence punishable under **Sections 170 & 393 of IPC**, in Crime No.1496 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Sagul Hameed is that on 08.08.2020 when he had gone to deposit amount in the ATM as per the direction of his Employer, three persons came in a two wheeler bearing Reg.No.TN CT 0065 Dio had dashed against him and when he had fallen down, the persons claiming themselves to be police had attempted to snatch the cash bag from the defacto complainant, since the public around came to rescue the defacto complainant, the accused escaped from the place of occurrence, dropping one of their LAVA cell phones.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 14.08.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that it is a pre-planned daylight occurrence. He would further submit that the petitioner along with other accused had kept watch over the defacto complainant who used to deposit money on behalf of his Employer and they have dashed against the two wheeler of the defacto complainant and when the defacto complainant fell down, the petitioner along with other accused has attempted to snatch the cash bag from him. He would further submit that when the people around them gathered to rescue the complainant, they ran away from the scene of occurrence leaving one cell phone, based on which, the petitioner was arrested. He would further submit that the petitioner is a notorious element and against whom there are five previous cases pending. He would further submit that as per F.I.R. the accused are unknown and hence identification parade has to be conducted to identify the accused and the investigation is in initial stage and the petitioner was arrested only on 14.08.2020.

5.Taking into consideration of the fact that the identification parade to be conducted to identify the accused and also considering the fact that the petitioner is a notorious element, against whom there are five previous cases and the investigation is in initial stage, this Court is not inclined to grant bail to the petitioner.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-

29/10/2020

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,
E-2, ROYAPETTAH POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET.

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

CRL OP.16394/2020

Date :29/10/2020