

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.16851 of 2020

1.Manikandan @ Mani
2.Sankar

... Petitioners/ Accused-1,2

Vs.

State rep.by
The Inspector of Police,
Moolanur Police Station,
Tiruppur District.
(Crime No.652 of 2020)

... Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.652 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.P.Meenakshi Sundharam

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

ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 05.09.2020 for the offences punishable under Sections 457, 394, r/w 397 of IPC., in Crime No.652 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Sakthivel is that he had gone out with his family and returned on 04.09.2020 and that when they were about to enter into their house, three unknown persons came out from their house and they have threatened the defacto complainant and his relatives with knife and wooden log and ran away from the scene of occurrence. When the defacto complainant and his family members had gone into the house, they found that the locker of the bero was broke open and the gold jewels worth Rs.1,05,000/- were found missing from the house. Based on the complaint, a case was registered against the petitioners and the petitioners were arrested on 05.09.2020.

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 even as per the complaint, three unknown persons have committed the theft. He would further submit that the petitioners are in custody from 05.09.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners have broke open the house of the defacto complainant and committed the theft of gold jewels worth Rs.1,05,000/- and on seeing the defacto complainant and his family members returning home, the accused have threatened them with knife and wooden log and absconded from the place. He would further submit that since the petitioners are unknown persons, the respondent police is taking steps to conduct test identification parade and the proceedings have been initiated and also the investigation is in initial stage. He would further submit that the petitioners are the residents of Virudhunagar District and the 1st petitioner has got three previous cases out of which two cases have been registered by the Coimbatore Karuthampatti Police Station in Crime No.195 of 2019 and Crime No.464 of 2019 for the offences under Section 379 IPC and one case is registered by the Dindugal Vedasanthur Police Station in Crime No.151 of 2019 under Section 394 @ 395 IPC. The 2nd petitioner has got three cases registered by the Tirupur Kundattam Police Station in Crime No.504 of 2019 for the offences under Section 379 IPC, another one registered by the Tirupur Gangayam Police Station in Crime No.456 of 2019, for the offences punishable under Section 457, 380 IPC and another one registered by the Tirupur Uthiyur Police Station in Crime No.210 of 2019 for the offences under Section 454, 380 IPC.

5.Taking into consideration of the fact that the petitioners are the resident of Virudhunagar district and they also have three previous cases each to their credit and that the respondent police have taken steps to conduct test identification parade, this Court is not inclined to grant bail to the petitioners.

6.This Criminal Original Petition stands dismissed accordingly.

-sd/-
28/10/2020

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,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.S.P.MEENAKSHI SUNDHARAM Advocate on payment of
necessary charges

CRL OP.16851/2020

Date :28/10/2020

TA-03/11/2020



WEB COPY