

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.16923 of 2020

Riyaz

... Petitioner/Accused

Versus

The State represented by ... Respondent/Complainant
The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai.
Crime No. 3645 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 3645 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Krishna Kumar

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 28.09.2020 for the offence punishable under Sections 341, 294(b), 323, 336, 392, 397, 427, 506(ii) of IPC and 25(1A) of ARMS Act, in Crime No.3645 of 2020, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Arul, is that on 28.09.2020, the petitioner had robbed an amount of Rs.2,000/- from him at gun point. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and purposefully, a false case has been foisted against the petitioner due to previous enmity. In fact the petitioner was arrested on 22.09.2020. However, he was remanded only on 28.09.2020 and that for 7 days, the petitioner was kept in illegal custody. Subsequently, the father of the petitioner had given a complaint before the Royapuram Police Station and the same was registered under the caption "Man Missing" in Crime No.4073 of 2020, dated 26.09.2020. He would submit that no weapon has been recovered from the petitioner and that the provision under ARMS Act would not attract against the petitioner. He would further submit that the petitioner is a Law

Graduate and that he is awaiting for enrolment as an advocate. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate(Crl.Side) appearing for the respondent would submit that there is a specific overt-act against the petitioner and the investigation is pending and if bail is granted at this stage, there is every possibility that the petitioner may abscond. He would submit that in order to escape from this case, a man missing case has been given with the help of the family members of the petitioner. Hence, he opposed to grant bail to the petitioner.

5 Heard the learned counsels and perused the materials placed on record.

6 Taking into consideration the nature of the offence and the fact that the investigation is at the preliminary stage and that there is a specific overt-act against the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

22/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-1 MADHAVARAM POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S. R.KRISHNA KUMAR Advocate on payment of necessary charges

CRL OP.16923/2020

Date :22/10/2020