

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.18669 and 18706 of 2020

1.Sunil Ram Shabd Prajapati .. Petitioners
2.Ankesh Gupta in Crl.O.P.18669/20
3.Mohammad Ayud Khan
4.Laxman Vasanth Ghule
5.Aamir Ahmed Shafiullah Quresh

Gulam Gous Qureshi ... Petitioner in
Crl.O.P.18706/20

Vs.

The State rep. By .. Respondent
The Inspector of Police in both petitions
Salvakkam Police Station
Kancheepuram District
Crime No.1190 of 2020

Common Prayer: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioners on bail in Crime No.1190 of 2020 on the file of the respondent police.

For Petitioners in Crl.O.P.18669 : Mr.Swamisubramanian

For Petitioner in Crl.O.P.18706 : Mr.P.Alexander

For Respondent in both petitions : Mr.T.Shanmuvarajeswaran
Government Advocate (Crl.Side)

COMMON ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 08.10.2020, for the alleged offences under Sections 457, 380, 395 and 397 of IPC, in Crime No.1190 of 2020 on the file of the respondent police, seeks bail.

The case of the prosecution is that all the accused hail from Maharashtra and through google map they found that Kanish Gold

Private Limited stopped the business 2 years back and thereafter, it had been closed. Since the petitioners finding gold factory that there would be gold kept in the factory to commit robbery and now all the six accused had taken a flight from Maharashtra and came to the place of occurrence. A4 to A6 were waiting in the Car near the place. A1 to A6 broke open the door and entered into the premises and found no gold inside the premises. Thereafter, these people who are from Maharashtra found that in the gold factory spilling gold will be there during manufacturing process and the spilling gold deposited in the manufacturing area and collected the sand of 30 kgs and at that time, A1 to A3 were caught red handed and through them, it came to light about A4 to A6, who were about to flee to Maharashtra and they were apprehended in the Airport.

3. The learned counsel for the petitioners would submit that the petitioners were arrested on the same day i.e on 08.10.2020 and they are in prison for more than 54 days. He would further submit that no gold was robbed from the scene of occurrence and it was only the sand which has been collected there and it has been seized in this case. He would further submit that investigation in this case is almost over and the petitioners are willing to offer local sureties. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that in this case, occurrence took place on 08.10.2020 at about 2.00 a.m. All the six accused came from Maharashtra and A4 to A6 were standing guard and A1 to A3 broke open the door and entered into the Kanish Gold Private Limited and the place was identified through google map finding that a gold factory stopped functioning and no gold would be manufactured and collected the sand. The petitioners armed with deadly weapons had broke open the door and entered into the premises and committed the offences. A1 to A3 were caught red handed from the scene of occurrence and A4 to A6 escaped from the scene of occurrence. Later, A4 to A6 were caught while fleeing in the airport. He would further submit that the investigation is not yet completed. The respondent police suspected larger conspiracy, normally people from Maharashtra are involving in the process of making goldsmith work and they were aware about the spilled gold. Further, the involvement of the local accused are also being investigating and the investigation is in crucial stage and all the six accused hail from Maharashtra. Hence, he strongly opposed to grant bail to the petitioners.

5. Heard both sides.

6. Considering the rival submissions and the modus operandi carried out by the accused in a very planned manner and that they had taken a flight ticket and come to Chennai and stayed in Kancheepuram and went to the scene of occurrence and broke open the door and entered into the premises at knife point and thereafter, they were caught red-handed by the police and that the involvement of the other accused are being investigated and that all

the six accused are hailing from Maharashtra, in view of the same, this petition is liable to be dismissed.

7. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
01/12/2020

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,
SALVAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

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

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

CRL OP.18669 & 18706 /2020

Date :01/12/2020

MN-15/12/2020