

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19337 of 2020

1.Sasikumar

2.Kavin

... Petitioners/ Accused A1 & A3

Vs

State rep. by

The Inspector of Police,

Veppadai Police Station,

Namakkal District.

(Crime No.154 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in respect of Crime No.154 of 2020 on the file of the respondent police, Pending investigation.

For Petitioners : Mr.C.S.Saravanan

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

ORDER

(This case has been heard through video conference)

The petitioners, who was arrested and remanded to judicial custody on 12.10.2020 for the alleged offence punishable under Sections 457, 380, 397 of IPC, in Crime No.154 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz., Lakshmi is that her husband is a blind person and that they were living in remote area. While so, on 05.10.2020, the defacto complainant's son had gone out for watching T.V. At that time, three accused who had covered their faces with monkey masks, had entered into their house and after tying the defacto complainant and her husband, assaulted them brutally with deadly weapons and also committed robbery of cash of Rs.92,000/- and a mobile phone from the house of the defacto complainant.

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 submit that even as per the F.I.R., the names of the petitioners do not find a place, and their identity was also not revealed in the complaint. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners are habitual offenders. On 05.10.2020, the petitioners have trespassed into the house of the defacto complainant during night hours, tied the defacto complainant and her blind husband with rope and tape, assaulted them brutally with deadly weapons and thereafter, robbed cash of Rs.92,000/- and a mobile phone from them. He would submit that as far as the first petitioner/Sasikumar is concerned, he has got three previous cases, out of which, two cases have been registered by the Namakkal District, Pallipalayam Police Station, in Cr.No.423 of 2017 for the offences punishable under Section 302 of IPC @ 397 r/w 302 of IPC and the another case has been registered in Cr.No.128 of 2019 for offence under Section 302 of IPC and yet another case has been registered in Veppadai Police Station, in Crime No.146 of 2020 for offence under Sections 147, 148, 294(b), 324, 387 and 506(ii) of IPC. As far as the second petitioner/Kavin is concerned, he has got one previous case registered at Veppadai Police Station, in Crime No.156 of 2020 for the offence punishable under Section 397 of IPC. He would submit that the petitioners have acted in a very brutal manner and assaulted the defacto complainant and her blind husband with deadly weapons due to which, they sustained grievous injuries.

5.Taking into account the nature of offence and the fact that the petitioners have got previous cases, this Court is not inclined to grant bail to the petitioners.

6.Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
14/12/2020

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 SUPERINTENDENT,
CENTRAL PRISON, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEPPADAI POLICE STATION,
NAMAKKAL DISTRICT.

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

CRL OP.19337/2020

Date :14/12/2020

cs 17/12/2020