

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2020

CORAM :

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

CRL.O.P.No.20672 of 2020

S.SAMKUMAR

.. Petitioner

Vs.

State rep by
The Inspector of Police,
R-4, Soundarapandiyanar Angadi Police Station,
T.Nagar, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.680 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Ganesh Pandian

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 07.10.2020 for the offence punishable under Section 395 of IPC, in Crime No.680 of 2020 on the file of the respondent police, seeks bail

2.The case of the prosecution as per the defacto complainant viz. Noorul Huck is that he is residing at T.Nagar and that on 30.09.2020 at 4.00 p.m. when he was in the first floor and his wife and children were in the ground floor, his wife's relative Mohideen, who was staying with them for sometime, had opened the gate and allowed the other accused inside and the accused after entering into the house had threatened the inmates of the house and had stolen and committed dacoity of 120 sovereigns of gold jewelery, Rs.95,000/-, costly watch and also taken their Honda Car from the house. The defacto complainant, suspecting that his relative Mohideen would have done the offence, had given a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and this is the second application for bail and that the earlier application filed by the petitioner was dismissed by this Court vide Crl.O.P.No.18212 of 2020 by order dated 19.11.2020. He would submit that the co-accused in this case have been granted bail by this Court vide Crl.O.P.No.19471 of 2020 by order dated 17.12.2020 and that the petitioner has been suffering incarceration for more than 75 days from 07.10.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that when the defacto complainant and his family members were affected by Covid and were in quarantine. At that time, the accused have entered into the house of the defacto complainant and robbed 220 sovereigns of gold jewellery, Cash Rs.95,000/-, costly watch and Honda Car. He would further submit though another co-accused in this case have been granted bail by this Court, this petitioner has got nine previous cases of similar nature and thereby the petitioner cannot claim bail on the ground of parity.

5. It is seen that the petitioner has got nine previous cases of similar nature and therefore, he cannot claim parity with the other accused who have been granted bail.

6. Taking into account the antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

23/12/2020

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 JAIL OF PUZHAI, CHENNAI

2 THE INSPECTOR OF POLICE,
KAARAMADAI POLICE STATION, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
R4, SOUNDARAPANDIYANAR ANGADI POLICE STATION,
CHENNAI.

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

CRL OP.20672/2020

Date :23/12/2020

RVR 06/01/2021