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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/12/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.21055 of 2021

Vijay

... Petitioner/Accused No.2

Vs

State rep.by
The Sub Inspector of Police,
Kollidam Police Station,
Trichy District.
(Crime No.402/2021)

... Respondent/Complainant

For Petitioner : M/s.GANAPATHI SUBRAMANIAN.P, Advocate.

For Respondent : M/s.SS.MADHAVAN,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

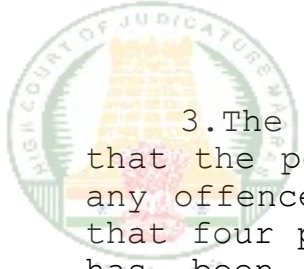
PRAYER:-

For Bail in Crime No.402/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested on 13.12.2021 for the offences punishable under sections 392 r/w. 397 of I.P.C., in Crime No. 402 of 2021, on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 11.12.2021, at about 00.30 hours, three persons aged about 20 years came in a TVS 100 two wheeler and voluntarily provided lift to the defacto complainant and threatened him by showing knife and had taken away his Lava Button Phone worth about Rs.1400/- & cash of Rs.2,800/- and also assaulted him. Hence, the complaint.



3. The learned Counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that four persons travel in a bike is not possible and a false case has been foisted against him. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Crl.side) submitted that with an intention to commit theft, the accused gave lift to the defacto complainant voluntarily and they assaulted him with knife. The offence alleged against the petitioner is grievous in nature. Hence, he opposed to grant bail to the petitioner.

5. Considering the above said fact and also considering the short period of incarceration, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
29/12/2021

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TMG/DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1. THE SUB INSPECTOR OF POLICE
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.21055 of 2021
Date : 29/12/2021