



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4483 of 2022

JANAGARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
(CRIME NO.1042/2021)

[RESPONDENT]

For Petitioner : M/S S.SATHISHKUMAR Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 31.12.2021 for the offences punishable under **Section 394 of IPC** in Crime No.1042 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein has robbed gold jewels viz., 1/4 sovereign of 2 Kammals from the defacto complainant father and brother's wife and ran away from the place of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in the First Information Report, the name of the petitioner is not reflected, and the petitioner is in judicial custody from 31.12.2021 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits, the property which was stolen away at the time of alleged occurrence was recovered.

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5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offence punishable under Section 394 of IPC. The history of the case projected by the prosecution would reveals the fact that, during the relevant point of time, the person who sustained injury in the alleged occurrence was alone in her field and after knowing the same, the petitioner went there and after causing injury, stolen away the nose-pin and studs. Though, the petitioner is in judicial custody from 31.12.2021, it is the submission made by the learned Additional Public Prosecutor that the petitioner is having two previous cases, that too, the same has been registered for the similar offence.

6. Therefore, taking into consideration the gravity of offence committed by the petitioner, this Court comes to the conclusion that if this type of petitioner is released on bail, he may try to tamper the witness and hamper the investigation. Hence, this Criminal Original Petition is dismissed.

-sd/-
24/02/2022

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,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE
SUB JAIL, COIMBATORE.

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

CRL OP.4483/2022
Date :24/02/2022

TA-03/03/2022