



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/07/2022

PRESENT

The Hon`ble Mr.Justice R.THARANI

CRL OP(MD). No.12338 of 2022

WEB COPY

A.Naseeth Mohaideen

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
(Crime No.502/2021).

... Respondent/Complainant

For Petitioner : M/s.K.M.Priscilla Jancy, Advocate.
For Respondent : Mr.Siva Kumar, Government Advocate

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

PRAYER :- For Bail in Crime No.502 of 2021 on the file of the respondent police.

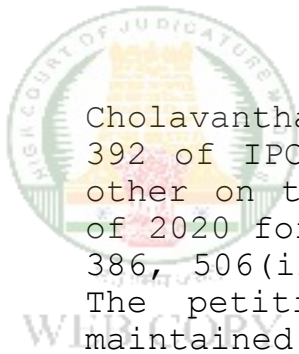
ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 25.12.2021 for the alleged offence under Sections 392 and 397 of IPC, in Crime No.502 of 2021, on the file of the respondent police, seeks bail.

2.The case against the petitioner is that the petitioner along with other accused snatched two sovereigns gold chain from the defacto complainant. A case was registered against the petitioner and others.

3.On the side of the petitioner, it is stated that the case was registered against four persons. The petitioner is A2 in this case. A3 and A4 were already released on bail on 10.01.2022. The allegations is that A3 has snatched the chain. The property was recovered only from A3. The petitioner is in custody for the past 210 days and prayed the petitioner to be released on bail. The previous cases against the petitioner were registered two years ago. The proceedings under the Goondas Act is a separate one and that there is no bar to consider the bail petition.

4.On the side of the prosecution, it is stated that A1 and the complainant were facebook friends. The complainant is a Medical College student studying second year. The petitioner is having two previous cases of similar nature. i)One on the file of the



Cholavanthan Police Station in Crime No.1883 of 2020 under Section 392 of IPC for the offences under Sections 34, 392 of IPC, ii) the other on the file of the Vadipatti police station in Crime No.1933 of 2020 for the offences under Sections 392 of IPC read with Section 386, 506(ii) of IPC, are the previous cases against the petitioner. The petitioner is a habitual offender. H.S.No.258 of 2022 is maintained against him. Proceedings under the Goondas Act against the petitioner was initiated and there is no change of circumstances. He raised serious objections.

5. The offence alleged against the petitioner is serious in nature. Considering the nature of the offence and considering the previous antecedents, and considering that the proceedings under the Goondas Act is still pending and that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner at the present stage. Hence, this Criminal Original Petition is dismissed.

sd/-
25/07/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 INSPECTOR OF POLICE, NAGAMALI PUDUKOTTAI POLICE STATION, MADURAI DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.12338 of 2022
Date : 25/07/2022

SSB
RS/VR/SAR.4 (10.08.2022) 2P-4C