



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/08/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15551 of 2022

Nallusamy

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Thenkasi District.
Crime No. 224 of 2022.

... Respondent/Complainant

For Petitioner : Mr.SULTHAN BASHA J,
Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.224 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested on 16.07.2022 for the alleged offences under Sections 342, 120B, 394 and 395 of IPC, in Crime No.224 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant lodged a complainant stating that he used to leave from the house at about 08.45 a.m and return home at about 09.00 p.m. In the mean time, the parents were alone in the house. On 30.06.2022 as usual, she went for job and returned at about 09.00 p.m. At that time, she found that the doors were opened; parents were tied with rope; lying in unconscious state; several articles found stolen. On the basis of the above said occurrence, he lodged a complaint stating that the jewelry and cash worth about Rs.24.70 lakhs found stolen. Now, during the course of investigation, the accused were arrested. Based upon the confession statement of the co-accused, the petitioner was arrested and his statement was also recorded.



3.The learned counsel for the petitioner submitted the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) submitted that on the basis of the confession statement of the co-accused, the involvement of the petitioner came to light. Out of jewels, 50 sovereign has been recovered and remaining jewels not recovered sofar. Out of Rs.10 lakhs cash amount, only Rs.3.59 lakhs has been recovered. Remaining amount has not been recovered.

5.It is seen that robbery has been committed in terrifying manner. Since a part of the jewels and cash amount has not been recovered sofar, the petitioner is not entitled for bail. If the petitioner is released on bail, there is every likelihood of tampering the evidence.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
29/08/2022

/ TRUE COPY /

08/09/2022
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 SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 2 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
THENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES, SR.No.9265

ORDER IN

CRL OP(MD) No.15551 of 2022
Date :29/08/2022

DSS
SA/VR/SAR.2/08.09.2022/2P/5C

<https://www.mhc.tn.gov.in/judis>