



CrI.O.P.No. 1738 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 05.01.2023 for the alleged offence under Sections 341, 294(b), 395, 397, 364, 384 and 506(2) of I.P.C. in Crime No.03 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.01.2023 around 07.45 p.m. this petitioner along with other accused restrained the defacto complainant and on showing knife, they robbed a van, worth about Rs.2.5 lakhs, 3 mobile phones, worth about Rs.25,000/- and a cash of Rs.20,000/- from him. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the defacto complainant is a black marketer and while smuggling PDS rice from ration shops to other States, he was red handed by the petitioner and village people, due to which, there was a quarrel between them. Hence, on



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colluding with the respondent police, the defacto complainant foisted a false case against him. He would submit that he is an innocent person and there is no specific overtact against the petitioner. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the offence. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 04.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally, there are 6 accused involved in this case and this petitioner is arrayed as A1. He would submit that the petitioner is the prime accused in committing the offence and there are 20 previous cases including one murder case pending against him. He would submit that on the date of occurrence, due to previous enmity, the petitioner along with other accused restrained the defacto complainant and robbed a van, 3 mobile phones and a cash of Rs.20,000/- from him. He would also submit that if he is released on bail, he will tamper the witnesses and



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hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner, and also considering the fact that he is the prime accused for the occurrence and there are 20 previous cases including one murder case pending against him and the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

08.02.2023

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