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CrI.O.P.No.1923 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 25.11.2022 for the alleged offence under Section 294(b), 397 and 506(2) of I.P.C. in Crime No.312 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.11.2022 at about 08.30 a.m., the petitioner along with other accused went to a tiffin shop run by the defacto complainant and demanded rowdy mamool, when he refused to pay, they took away a sum of Rs.16,000/- from his cash box and also threatened him and escaped from the spot. Hence, the complaint.

3. The learned counsel for the petitioner submitted that he has not participated in the offence and there is no specific overtact attributed against the petitioner and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way



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connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 25.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 5 accused involved in this case and the petitioner is arrayed as A1. He would submit that on the date of occurrence, the petitioner along with other accused went to defacto complainant's shop and demanded rowdy mamool, when he refused to pay, they have assaulted him and also threatened him. He would submit that he is having 9 previous case including a case under Sec.302 of I.P.C. pending against him, in which 4 cases, bail granted and so far, no amount was recovered from him. He would also submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is at the preliminary stage. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances, and also considering the fact that he is having 9 previous cases including a case under Sec.302 of I.P.C. pending against the petitioner and so far, no amount was recovered from him and considering the fact that the investigation is in preliminary stage and if he is released on bail, there is possibility of tampering witnesses and hampering investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

30.01.2023

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