



CrI.O.P.No. 7070 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 20.09.2022 for the alleged offence under Sections 392, 397 and subsequently it was altered into Sec. 395, 397 of I.P.C. in Crime No.168 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant went to deposit a sum of Rs.20,00,000/- in the ATM machine, the petitioner along with other accused committed the offence of robbery worth about Rs.20,00,000/- from the defacto complainant. Accordingly, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail. He would submit that according to alleged prosecution, the defacto complainant went to deposit the said sum in the ATM machine is unbelievable one and no one prudent man would deposit such a cash in the ATM machine in normal course. Further, the defacto



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complainant or others have not stated any reason or urgency for deposit such an huge amount in the ATM machine at 08.00 p.m. Therefore, the alleged prosecution itself is a false one. He would submit that there is no specific overtact attributed against the petitioner and there is no recovery from this petitioner. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police. He would submit that he has been falsely implicated by the respondent police and he is no way connected with the occurrence and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 20.09.2022. 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 9 accused involved in this case and the petitioner is the prime accused. He would submit that out of Rs.20 lakhs, a sum of Rs.3 lakhs recovered and he is a notorious person and having involved in a murder case. He would submit that if he is released on



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bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner and out of Rs.20 lakhs, only a sum of Rs.3 lakhs was recovered and on considering the fact that he is a notorious person and having a murder case pending against him and now if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and also there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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