

Crl.O.P.No.11316 of 2023

WEB COPY

A.A. NAKKIRAN, J.

The petitioner, who was arrested and remanded to judicial custody on 25.03.2023, in connection with Crime No.55 of 2023 registered for the offence punishable under Sections 394 and 34 of IPC subsequently altered to Section 395 of IPC, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that on 19.03.2023 at about 08.15 p.m, when he was in home, the petitioner along with other accused persons forcibly entered into the house of the de-facto complainant, threatening him with a knife and robbed 82 sovereigns of gold jewels and cash for a sum of Rs.38,00,000/-. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case based on the Confession Statement recorded from the victim. He further submitted that the petitioner never ever involved in any of the act as alleged in the complaint and FIR, which is purely a put up case foisted by the de-facto



complainant. Based on the complaint, the respondent police arrested and detained the petitioner herein on 25.03.2023 and the petitioner is in prison for the past 54 days.

4. It has been submitted that the petitioner has filed the present bail petition for the first time before this Court and further, the previous bail petitions filed before the Principal Sessions Court, Puducherry in Crl.M.P.Nos.1376 and 1742 of 2023 were dismissed by orders dated 12.04.2023 and 28.04.2023. It has been further submitted that the petitioner has no previous case against him, the petitioner will not tamper any evidence or dissuade witnesses and he is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.

5. Per contra, the learned Additional Public Prosecutor (Pondicherry) appearing for the respondent submitted that it is the offence serious in nature, where, the petitioner along with other persons forcibly entered into the house of the de-facto complainant, assaulted him, threatening him with a knife and robbed 82 sovereigns of gold jewels and



cash for a sum of Rs.38,00,000/-. He further submitted that the trial Court dismissed the petitioner's earlier bail petitions in Crl.M.P.Nos.1376 and 1742 of 2023 dated 12.04.2023 and 28.04.2023. He also submitted that the case has been registered very recently on 20.03.2023 and the investigation is still pending and is at initial/premature stage, if the bail is granted to the petitioner, there is every chance of him tampering the witnesses, getting absconded and interfering with investigation and it would be difficult to commit the case/complete the investigation. Hence, he seriously raised objection for granting bail to the petitioner.

6. Considering the facts and circumstance of the case, the submissions made by learned counsel on either side and also considering the gravity of the offence, which is serious in nature, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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