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Crl.O.P.No.13206 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 04.01.2023, for the offences punishable under Section 379 of IPC, in Crime No.7 of 2023, registered on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 31.12.2022, when the de-facto complainant went to the Indian Overseas Bank, Chepauk Branch to remit a sum of Rs.28,070/- in his account, the petitioner had approached him under the pretext of helping him and robbed the amount from him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that



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the petitioner is no way connected with the alleged offence, whereas, in order to keep the petitioner under fetters, the respondent had implicated the petitioner in this case. He further submitted that the investigation in this case has been completed and the case has been taken up on the file of the learned II Metropolitan Magistrate, Court. He also submitted that the petitioner is languishing in judicial custody from 04.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a habitual offender, against whom, 23 previous cases are pending, out of which, 6 cases are similar in nature and also, he was convicted in three cases. He further submitted that as far as this case is concerned, the petitioner/accused, under the pretext of helping the de-facto complainant to remit the amount in the bank, had robbed a sum of Rs.28,070/- from the de-facto complainant. He also submitted that the investigation in this case has been completed and it has been taken up for trial in C.C.No.1561 of



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2023, on the file of the learned II Metropolitan Magistrate, Egmore, Chennai. He also submitted that that there are three witnesses in this case and the respondent will be able to complete the trial as expeditiously as possible. Hence, he prayed for dismissal of the petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. In view of the above, this Court is of the opinion that though the petitioner is in custody since 04.01.2023, it is stated that there are 23 previous cases against the petitioner in which, he has been convicted in three cases. Thereby, taking into consideration the facts and the submissions made by the learned counsel on both sides and also considering the previous antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition stands dismissed. However, the learned II Metropolitan Magistrate, Chennai, is directed to complete the trial in C.C.No.1561 of 2023, as expeditiously as possible, preferably, within a period of two months from the date of receipt of copy of this order.

14.06.2023

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