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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2195 of 2023

Muthuganesh

... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District
(Crime No.417 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi Selvaraj.S

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.417 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.12.2022, for the offence punishable under Sections 397, 394 of I.P.C in Crime No. 417 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 21.12.2022 at about 12.40 p.m., when the defacto complainant's wife was in his house, the petitioner entered into the house and stabbed her with a knife on her neck and robbed 10 sovereigns of gold chain. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. There is no witness to the occurrence and he is in no

<https://www.hc.madras.gov.in/judis>



way connected with the alleged offence. The petitioner in judicial custody from 21.12.2022. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor would submit that it is a grave offence, where the petitioner, who is an Engineer by Profession was sent by the Electronic Store, to install a new Television in the defacto complainant's house. He went to her house and installed the Television and also noted that the defacto complainant was alone in the said house. After one week from the date of installation, again the accused went to the house of the defacto complainant under the pretext of checking the working condition of the Television. The defacto complainant also believed his words and allowed him to enter into the house. At that time, the petitioner assaulted her with pen knife, stabbed her in throat and also robbed 10 sovereigns of gold thali chain. There is a clear evidence to connect the petitioner with the crime, since the defacto complainant/victim has identified the petitioner, by writing his name in a paper. More over, the investigation is not yet completed. Hence, prays to dismiss the petition.

5.The learned counsel for the intervener would vehemently object to release the petitioner on bail, by reiterating the contentions raised by the learned Additional Public Prosecutor.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case and considering the strenuous objection raised by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioner, at the nascent stage of investigation.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

14/02/2023

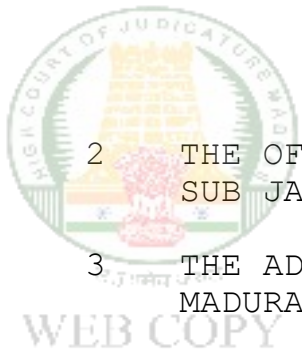
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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT



2 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-2323[I] dated 15/02/2023)

ORDER
IN
CRL OP(MD) No.2195 of 2023
Date :14/02/2023

SS/Vs/SAR I (21.02.2023) 3P 5C