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Crl.O.P.No.30706 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30706 of 2024

Nagaraj

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Arachalur Police Station,
Erode District.
Crime No.53/2020

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused No.5 in S.C. No. 106 of 2024 pending before the I Additional Sessions Judge, Erode.

For Petitioner : Ms.R.Radha Pandian

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No. 53 of 2020 registered for the offences punishable under Sections 395, 397, 457(1), 114, 109, 342 IPC is on board for consideration.



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2.The incarceration of the petitioner being from 30.07.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the respondent has filed charge sheet against the petitioner and five others before the learned I Additional Sessions Judge in S.C.No.106 of 2024 and the same is pending for trial. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner along with other accused trespassed into the house of the de facto complainant and committed theft of 11.5 sovereigns of gold and a sum of Rs.40,000/-. He further submits that there are nine previous cases against the petitioner. He further submits that the petitioner is a habitual offender. He further submits that if the petitioner is enlarged on bail, there is every possibility of him absconding and not available for trial proceedings.



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4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter affidavit filed by the respondent, this court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

10.12.2024

sai

To

1.The I Additional Sessions Judge
Erode.

2.The Inspector of Police,
Arachalur Police Station,
Erode District.

3.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.
sai

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