

IN THE COURT OF VACATION SESSIONS JUDGE (PRINCIPAL SESSIONS COURT),
RAMANATHAPURAM

PRESENT: Thiru.R.Shanmugasundaram, B.com., L.L.B.,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

திருவள்ளூர் ஆண்டு 2052 தமிழ் புதி பிலவ ஆண்டு சித்திரை மாதம் 23-ம் நாள் வியாழக்கிழமை

Thursday, the 06th day of May 2021

Cr.M.P.No. 09 of 2021

Dawood, aged about 65 years, S/o. Ibramsha, No. 20/3, Thangappa Nagar,
Ramanathapuram.

...Petitioner/Sole Accused

/vs/

State, through the Inspector of Police,
Bazaar P.S.Ramanathapuram,
in Cr.No. 180/2021

...Respondent/Complainant

For petitioner : Thiru.S.J.Shiek Ibrahim, Advocate.
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

PETITION FILED ON 04.05.2021 FOR BAIL U/S 439 Cr.P.C.

ORDER

Heard, the submissions made by the learned counsel for the petitioner as well as the learned Public Prosecutor.

The respondent police has filed a case against the petitioner in Crime No. 180/2021 under sections 397, 448 and 459 of Indian Penal Code.

The prosecution case is that on 24.04.2021, in order to commit robbery, the petitioner allegedly entered into the defacto complainant's house and assaulted her, when she was alone at her home and snatched the five sovereign gold chain from her.

The learned counsel for the petitioner would submit that the petitioner has falsely been implicated in this case and the petitioner is an innocent. The petitioner and the de-facto complainant are neighbours. Due to motive between them, the petitioner has falsely been implicated in this case. Further, he was arrested and

remanded on 26.04.2021 and he is in judicial custody for the past 11 days. He is in no way connected with this case and he has no previous case. The injured has been discharged from the hospital and most of the investigation is completed and the alleged 5 sovereign gold chain was recovered and he prays to grant bail to the petitioner.

Per-contra, the learned Public Prosecutor has submitted that the petitioner is sole accused in this case. The de-facto complainant is the son of injured. On 24.04.2021 in the noon hour, the victim was alone in her home, at that time the de-facto complainant came to his house and he found that the victim was laying with unconscious severe head injury. Hence, the victim was immediately rushed to Ramanathapuram Government Hospital and it was found that her 5 sovereign gold chain was missing. Based on the complaint given by the de-fcto complainant and the case was registered under Sections 397, 448 and 459 of Indian Penal Code against un-known accused. Subsequently, during the investigation it was unearthed that the petitioner has committed the offence. Taking advantage of the absence of the family members of the victim, the petitioner trespassed into the victim's house and he asked the victim for drinking water. When the victim went inside the kitchen, the accused followed her, assaulted her right head, right forehead, right ear, left forehead, left eye-brow and right rare-head with hamper and snatched 5 sovereign gold chain and he left from the scene of occurrence. Further, the injured was admitted in the Ramanathapuram Government Hospital and she was referred to Madurai Government Hospital for further treatment and she was admitted in Velammal Multi Speciality Private Hospital and she was discharged on 30.04.2021. Further he was arrested on 26.04.2021. Based on the confession given by the petitioner the stole goods 5 sovereign gold chain was recovered from the petitioner. Further, the investigation is in preliminary stage and he opposed for granting bail to the petitioner.

Considering both side submissions, the grave nature of offence, the injuries

sustained by the victim, initial stage of the investigation, this Court is not inclined to grant bail to the petitioner.

Hence, this petition stands dismissed.

Pronounced by me at open Court this the 6th day of May 2021

Sd/- R.Shanmugasundaram,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

Copy to
The Judicial Magistrate No.I, Ramanathapuram,
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Ramanathapuram Bazaar P.S.
The Advocate concerned