

IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.

**Present: Thiru. M. SANJEEVI BASKR, M.A., M.L.,
IV ADDITIONAL DISTRICT & SESSIONS JUDGE,
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE.(i/c)**

Friday, this the 18th day of November, 2022

CRIMINAL MISCELLANEOUS PETITION No.5704/2022

Abubakker Sidick (Age 27 years)
S/o. Mohammed Ali

... Petitioner / Accused No.2

/vs/

State,
Rep. by the Inspector of Police
D-2, Selvapuram Police Station,
Crime No.297/2022.
Offence: u/s.392 of IPC.

Through the Public Prosecutor, Coimbatore.
(The Judicial Magistrate Court No.5, Coimbatore.)

... Complainant

This petition filed on behalf of the petitioner to release him on bail u/s.439 of Cr.P.C.

This petition is coming on this day for final hearing before this Court in the presence of **Tvl. R. Kannadasan and R. Dharmalingam**, Advocates for the Petitioner / Accused No.2 and **Thiru. V. Ravichandran, Public Prosecutor**, represented for State, upon perusing the petition submitted and upon hearing both side arguments, this Court pronounced the following:-

ORDER

Heard on both side.

The petitioner is the accused in Crime No.297/2022 of D-2, Selvapuram Police Station, for the alleged offences u/s.392 of IPC, he has filed this petition, seeking grant of bail.

2. The case of the prosecution is that on 24-10-2022, at about 12.30 midnight, the defacto complainant and his wife were sleeping in their house. On hearing the barking of a dog, he came out from his house with biscuits. After putting the biscuits to the dog, he was watching his mobile phone. At that time, three persons came in Pulsar bike robbed cell phone from the defacto complainant and fled away from that place.

3. The learned counsel for the petitioner has submitted that this petitioner name does not find place in the FIR. In this case, property has been recovered. The learned counsel has further submitted that except the present case, the petitioner is having one another case in C.C.No.1/2021. The petitioner is an innocent, he has been falsely implicated in this case, he is in custody for the past 24 days and prays to enlarge the petitioner on bail.

4. The learned Public Prosecutor submitted that there are three accused in this case. All the accused were arrested and all of them are in custody. This petitioner is A-2. As per the confession of A-1, it came to know that on the date of occurrence, A-1 driven the bike belongs to the friend of A-3, A-2 and A-3 are billion riders and they saw the defacto complainant who was standing with cell phone. At that time, A-2 robbed the cell phone and all of them were fled away from that place. So far, cell phone is not yet recovered. The learned Public Prosecutor has further submitted that **except the present case, the petitioner is having three previous cases in D-2 Selvapuram PS. The details are:-**

- Crime No.404/2012, offence u/s.379 IPC.
- Crime No.161/2020, offence u/s.294(b), 323, 324 and 506(ii) IPC.
- Crime No.1375/2017, offence u/s.75(1)(c) of TNCP Act.

The learned Public Prosecutor has further submitted that in this case, investigation is still pending, petitioner is having bad antecedents and if the petitioner is released on bail, it will hamper the investigation and opposed to grant bail.

5. This Court has considered the submissions made by both sides and perused the previous case list. On perusal of the same, it reveals that the petitioner is a habitual offender. Even though the offences registered against the petitioner in the previous cases are lesser in nature, the present case is concerned, the offence is grave in nature. The learned Public Prosecutor reported that no recovery is made in this case and investigation is still pending. In the said circumstances, this Court

is of the view that no ground exists to grant bail to the petitioner.

Hence, this petition is dismissed.

This order is dictated to steno-typist, typed by her, corrected and pronounced by me via email on this 18th day of November, 2022.

Sd/- M. SANJEEVI BASKR.,
IV ADDITIONAL DISTRICT & SESSIONS JUDGE,
PRINCIPAL DISTRICT & SESSIONS JUDGE, (i/c)
COIMBATORE.

CC to (sent via email):

1. The Judicial Magistrate Court No.5, Coimbatore.
2. The Public Prosecutor, Coimbatore.
3. The Inspector of Police, D-2, Selvapuram Police Station, Coimbatore.
4. Counsel for the Petitioner / Accused.