

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

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

CRL.O.P.No.17939 of 2020

M.Gopala Krishnan

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
V6 Kolathur Police Station,
Chennai.

(Crime No.663 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.663 of 2020 pending investigation on the file of the Inspector of Police, V6 Kolathur Police Station, Chennai.

For Petitioner : Mr.UM.Ravichandran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.09.2020 for the offences punishable under Sections 147, 148, 341, 294(B), 324, 307, 302 of IPC, in Crime No.663 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Abinash @ Abi is that earlier, the defacto complainant had demanded liquor from A5 and also scolded him. Due to which, there was enmity between them. While so, on 12.06.2020, A5 along with other accused waylaid the defacto complainant and one Ramesh when they were returning home and also assaulted them with knives indiscriminately due to which, the defacto complainant sustained injuries and the said Ramesh succumbed to injuries.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the allegation against the petitioner is that he had also participated in the crime along with other accused. However, during investigation, the respondent came to know that the petitioner not involved in the offence and thereby, the other accused excepting the petitioner were detailed under Act 14. He would further submit that the petitioner has no previous case against him and that he has been suffering incarceration for two months from 08.09.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner is arrayed as A3 in this case. There was previous enmity between the friends of the petitioner and the defacto complainant and his friend Ramesh. Due to which, on 12.06.2020, the petitioner along with other accused waylaid the defacto complainant and the said Ramesh and attacked them indiscriminately due to which, the said Ramesh succumbed to injury on the same day. He would further submit that there is no previous case against the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and the fact that there is no previous case against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No-V, Egmore, Chennai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall stay at Villupuram and report before the Town Police Station, everyday at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

11/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.V,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
V6 KOLATHUR POLICE STATION,
CHENNAI.

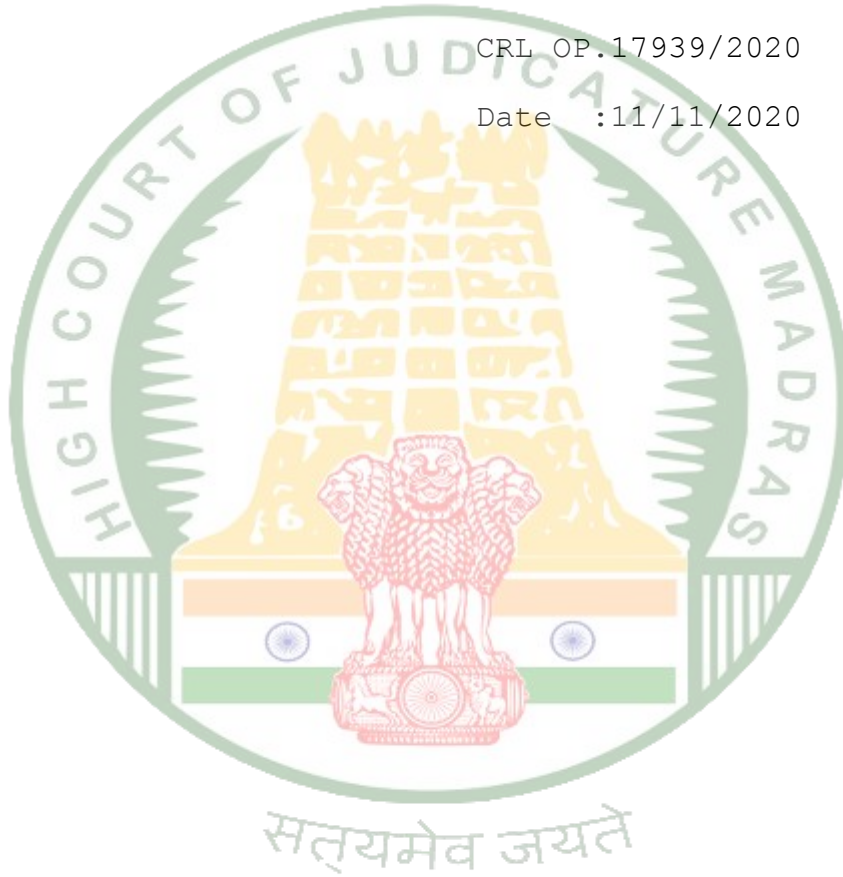
6 THE OFFICER INCHARGE,
TOWN POLICE STATION,
VILLUPURAM.

+1CC to M/S.UM.RAVICHANDRAN Advocate on payment of
necessary charges SR NO.7534

CRL OP.17939/2020

Date :11/11/2020

MK:18/11/2020



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