



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21815 of 2021

Gopi

... petitioner

Vs.

State Rep by
The Inspector of Police
Neyveli Township Police Station
Cuddalore District
Crime No.887 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.887 of 2021 on the file of the respondent police, Neyveli Township Police Station, Cuddalore District.

For petitioners: Mr.K.Kannan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

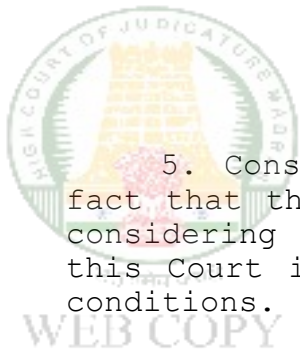
(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.09.2021 for the offences under Sections 294(b), 341, 342, 363, 323, 324, 326, 506(ii) and 307 IPC in Crime No.887 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, on 09.09.2021 at about 4.30 a.m., the petitioner along with other accused waylaid the defacto complainant and forcibly took him in their two wheeler to a secluded place and assaulted him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 65 days from 17.09.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the the petitioner has got 25 previous cases but, admits that the injured has been discharged from the hospital.



5. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Neyveli, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

22/11/2021

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,
NEYVELI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
NEYVELI TOWSHIP POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

6 THE SUPERINTENDENT,
CENTRAL PRISON, VILLUPURAM

CC to M/S. K.KANNAN Advocate on payment of necessary charges
Sr.13151

CRL OP.21815/2021

Date :22/11/2021

RVR 22/11/2021