



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

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

Crl.O.P.No.23842 of 2021

Gopinath @ Gana Gopi

... Petitioner

Vs.

The State, represented by
Inspector of Police,
Somangalam Police Station,
Kancheepuram District,
(Crime No.539 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime.No.539 of 2021 on the file of the Respondent police.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 14.09.2021 for the offences under Sections 120(b), 147, 148, 302 and 201 of IPC, in Crime No.539 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the son of the de facto complainant was found missing. Initially the case was registered under "Man Missing". Thereafter, on further investigation, it was found that the petitioner along with other accused brutally murdered the son of the de facto complainant due to previous enmity. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and further submits that the petitioner has no previous cases and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 80 days from 14.09.2021. Hence, he prays for grant of bail to the petitioner.



3. The learned Government Advocate (Crl. Side) would submit that totally there are 16 accused involved in this case and all of them were arrested and further submits that investigation was almost completed.

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4. Considering the facts and circumstances of the case and the investigation was almost completed and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions;

5. 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 District Munsif-Cum-Judicial Magistrate, Sriperumbudur, Kancheepuram District, 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 stay at Salem and report before the Salem Town Police Station, Salem on every Tuesday and Sunday at 10.30 a.m. for a period of 8 weeks.

(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/-

09/12/2021

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.



1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR,
KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
SOMAGALAM POLICE STATION,
KANCHEEPURAM DISTRICT,

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

THE INSPECTOR OF POLICE/STATION HOUSE OFFICER,
SALEM TOWN POLICE STATION,
SALEM.

+1 CC to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges SR.NO.14405

CRL OP.23842/2021

Date :09/12/2021

RW 09/12/2021