



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

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

Crl.O.P.No.24883 of 2021

G.Gopinath

... Petitioner

Vs.

State Represented by
The Inspector of Police,
(*)Needamangalam Police Station,
Thiruvarur District.
Crime No.56 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.56 of 2020 on the file of the respondent.

For Petitioner : Mr.D.Alexis Sudhakar

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

DATED:23/12/2021

:MR.A.GOKULAKRISHNAN Additional Public Prosecutor
[CRL.MP.NO.1145/2022 IN CRL.OP.NO.24883/2021]

[DATED:03/02/2022]

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 147, 148, 294(b), 324, 506(2) of IPC and Section 3 (1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.56 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other four accused person went to the house of the defacto complainant and attacked him with stick on his left leg and also criminally intimidated him. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that already this Court granted anticipatory bail to the petitioner in Crl.O.P.No.5897 of 2020 vide order dated 18.03.2020 was not complied by the petitioner due to the national lock down for Covid - 19 and again this Court ordered Crl.M.P.No. 7536 of 2021, which was also not complied by this petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) submits that though this Court has already granted anticipatory bail to the petitioner, the conditions imposed on the petitioner has not complied with. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that petitioner has already granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Needamangalam, on condition that the petitioner shall execute a bonds for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 is directed to report before the respondent police as and when required for interrogation;

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/12/2021

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.

(*)Amended as per order of this Court Dated 03/02/2022 made in CRL.MP.NO.1145/2022 IN CRL.OP.NO.24883/2021.

TO

1 THE JUDICIAL MAGISTRATE,
NEEDAMANGALAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

**(*)3 THE INSPECTOR OF POLICE
NEEDAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.**

4 THE INSPECTOR OF POLICE,
DEVANGUDI POLICE STATION,
THIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.ALEXIS SUDHAKAR Advocate on payment of necessary charges SR.No.1960

CRL OP.24883/2021

Date :23/12/2021

CSK 07/01/2022

CSK 11/02/2022