



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 02/03/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.3215 of 2021

Gokul @ Alwin Gokul

... Petitioner/Accused No.2

Vs

The State rep.by  
The Inspector of Police,  
Lalgudi Police Station,  
Trichy District.  
Crime No.160 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.160 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 16.02.2021 for the offences punishable under Sections 392 and 397 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein along with three other restrained the defacto complainant and caused damage to the window of the car with sickle and also snatched a mobile phone and chain from him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the property has been recovered. He would also submit that the defacto complainant is a taxi driver and there was wordy quarrel between him and the petitioners regarding rent, due to which a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that there are totally four accused in this case and the petitioner herein is added as A2. He would also submit that petitioner



herein along with three other restrained the defacto complainant and caused damage to the window of the car with sickle and also snatched a mobile phone and chain from him and the property has been recovered and no previous case is pending against him.

5. It is seen that the petitioner and his friends who are other accused had hired a car and there was some dispute in respect of payment at that time the accused persons have said to have damaged the wind shield of the car and taken away the spurious chain and the mobile phone of the defacto complainant and the same has been recovered. Further it is seen that the petitioner is the college student studying BSW in Urumu Dhanalakshmi College, at Trichy.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

[a] the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the defacto complainant directly without prejudice to his rights and contentions. The petitioner shall produce the proof of payment to the Magistrate while executing sureties.

[b] On acknowledgment of the same the petitioner shall 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, lalgudi, Tiruchirapalli.

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[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 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.

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sd/-  
02/03/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE, LALGUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
LALGUDI POLICE STATION,  
TRICHY DISTRICT.
- 4.THE OFFICER INCHARGE,  
SUB JAIL, MUSIRI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.3215 of 2021  
Date :02/03/2021

AAV  
TK/PN/SAR.4/02.03.2021/3P/6C