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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CrI.OP.No.10952/2022

Gopal

... Petitioner / A1

Vs

State rep by,
The Inspector of Police,
Velur Police Station,
Namakkal District.

... Respondent

Prayer:- Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.83 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.L.Baskaran
Government Advocate
[CrI.Side]

ORDER

(1)The petitioner, who was arrested on 24.03.2022 for the alleged offences punishable under Sections 451 and 307 of IPC in Crime No.83 of 2022 on the file of the respondent police, seeks bail.

(2)The case of the prosecution is that the petitioner herein who is arrayed as A1 out of three accused had illicit intimacy with A2 and this was questioned by the injured, who is the husband of A2. Hence, A1 and A2 decided to do away with the life of the husband of A2. On the date of occurrence, i.e., on 24.03.2022, A1 dropped A3 near the house of A2 and A3 attacked the injured with a sickle causing injuries and ran away from the scene of crime, resulting in registration of the case.



(3) The learned counsel for the petitioner would submit that the petitioner who is arrayed as A1 out of 3 accused, is an innocent person and he is no way connected with the offence. He would submit that the case projected by the prosecution is a false one and the husband of A2 was running a finance business and on the date of occurrence, A3 went to the house of the complainant and demanded the money back and the complainant refused to give the money. Hence, A3 attacked the complainant and caused injuries. It is further submitted that the petitioner is under incarceration for a period of 49 days and the injured is discharged from the hospital and hence, prays for enlargement of the petitioner on bail.

(4) The learned Government Advocate (Crl.Side) appearing for the respondent though strongly opposes for grant of bail to the petitioner, admits that the injured was discharged from the hospital on 05.04.2022. Learned Government Advocate [Crl.Side] also submits that the investigation is pending.

(5) Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner.

(6) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramathi, and on further condition 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 once in two weeks at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].

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

-sd/-
11/05/2022

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,
PARAMATHI, NAMAKKAL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SIVAKUMAR Advocate on payment of necessary charges
SR.NO.6941

CRL OP.10952/2022

Date :11/05/2022

JPA 11/05/2022