



Crl.O.P.No.3055 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 09.02.2023

CORAM :

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

Crl.O.P.No.3055 of 2023

Gokul Duraisamy,  
S/o.Duraisamy

... Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
P-3 Namagiripet Police Station,  
Namakkal.  
(Crime No.321 of 2022)  
Respondent

...

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.321 of 2022 pending on the file of respondent police.

For Petitioner : Mr.Surya Selvan

For Respondent : Mr.S.Vinoth Kumar,  
Govt. Advocate (Crl.Side.)



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 25.12.2022 for the alleged offence under Section 307 of I.P.C. in Crime No.321 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the defacto complainant lives with his parents and his elder brother. The petitioner has got married and living separately. While being so, on 24.12.2022, around 09.30 p.m. there was a wordy quarrel between the petitioner and his mother as if his younger brother got married, however, they left him unmarried. When the same was questioned by the defacto complainant, he attacked him with knife, due to which, he sustained injuries and subsequently he was admitted in hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the defacto complainant and the petitioner are brothers. He would submit that the defacto complainant is his elder unmarried brother and he does



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not go to any job and he has a habit of creating chaos inside the home and verbally abuses his parents everyday, thereby creating a huge ruckus. On the date of occurrence, he quarrelled with his parents stating that his younger brother got married and left him unmarried, thereby, both were attacked each other, due to which he sustained simple injury. Hence, the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 47 days from 25.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is the sole accused and on the date of occurrence, there was a wordy quarrel between the petitioner and his parents, when the same was questioned by the defacto complainant, he attacked him with knife, due to which, he sustained injuries and subsequently, admitted in hospital for treatment and now he was



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discharged from the hospital. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that injured 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 subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to 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, Rasipuram**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

**(b) the petitioner shall stay at Tiruvannamalai and**



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**report before the Town Police Station, Tiruvannamalai daily at 10.30 a.m. for the period of eight weeks and thereafter, he shall report before respondent police on every Saturday at 10.30 a.m. for another period of eight weeks ;**

(c) the petitioner shall not commit any offences of similar nature;

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

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

**09.02.2023**

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1. The Judicial Magistrate,  
Rasipuram..
2. Inspector of Police,  
P-3 Namagiripet Police Station,  
Namakkal.
3. The Superintendent of Prison,  
Sub-Jail, Rasipuram.
4. The Public Prosecutor,  
High Court of Madras, Chennai.



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**T.V. THAMILSELVI, J.**

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**CrI.O.P.No. 3055 of 2023**

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