



Crl.O.P.No.3024 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM :

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

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Gopi,
S/o.Raja

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
J-6 Thiruvanmiyur Police Station,
Chennai.
(Crime No.20 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.20 of 2023 pending on the file of respondent police.

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 16.01.2023 for the alleged offence under Sections 341, 294(b), 392, 397 and 506(ii) of I.P.C. in Crime No.20 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 16.01.2023 around 10.30 a.m., the petitioner along with other accused waylaid the defacto complainant and uttered him in obscene words and robbed a sum of Rs.1000/- from him at knife point and threatened him and also criminally intimidated him. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that 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 due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit



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that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 41 days from 16.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 3 accused involved in this case and he is arrayed as A1. He would submit that there are 11 previous cases including 1 murder case pending against him and all the accused were arrested. He would submit that on the date of occurrence, the petitioner along with other accused way laid the defacto complainant and at knife point robbed a sum of Rs.1000/- and also criminally intimidated him and on investigation, the property was recovered. 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 now the property was recovered and on considering the period of incarceration



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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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned XVIII Metropolitan Magistrate, Saidapet, Chennai**, 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 Dharapuram and report before the Town Police Station, Dharapuram daily at 10.30 a.m. for the period of two months and thereafter, he shall report before respondent police on alternative days at 10.30 a.m. for another period of two months;

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



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(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.

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To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. Inspector of Police,
J6 Thiruvanmiyur Police Station, Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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