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Crl.O.P.No.5624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.5624 of 2023

Gopi @ Gopinath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruvannamalai Town Police Station.

(Crime No.13 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.13
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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Crl.O.P.No.5624 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.01.2023, for the offences punishable under Sections 147, 148, 120(B), 341, 302 of IPC, in Crime No.13 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Prabavathi, is that she got an information that while her husband was coming in his two wheeler, he was intercepted and assaulted by unknown persons, due to which, he succumbed to injuries. Based on her complaint, a case in Crime No.13 of 2023 was registered for the offence under Sections 147, 148, 120(B), 341, 302 of IPC. During the course of investigation, it came to light that the de-facto complainant's husband/deceased was a Tailor by profession, has also engaged in the money lending business and due to the financial dispute, the accused have committed murder of the de-facto complainant's husband. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this



Crl.O.P.No.5624 of 2023

case, since he happens to be the friend of main accused. He further submitted that even as per the First Information Report, there is no eye-witness to the occurrence and the de-facto complainant has also stated that she had received an information through some other persons and there is no materials as against the petitioner, as if he had committed murder of the deceased. He also submitted that the first accused in this case has been detained under Act 14. He also stated that the petitioner is in custody from 13.01.2023 and he is ready to abide by any stringent conditions that may be imposed on him. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner, who is arrayed as A9 in this case along with 8 other accused, due to the previous enmity with regard to the financial transaction with the husband of the de-facto complainant, have committed murder of him. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



Crl.O.P.No.5624 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.I, Thiruvannamalai**, and on further conditions 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 stay at Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, everyday at 10.30a.m. and 5.30p.m., until further orders;

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



Crl.O.P.No.5624 of 2023

[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]***;

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

09.03.2023

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To

1. The Judicial Magistrate No.I,
Thiruvannamalai.
2. The Inspector of Police,
Thiruvannamalai Town Police Station.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5624 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.5624 of 2023

09.03.2023