



Crl.O.P.No.10687 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

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THE HON'BLE MR. JUSTICE **A.A.NAKKIRAN**

Crl.O.P.No.10687 of 2023

Gokulrajan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vadalur Police Station,
Cuddalore District.

(Crime No.134 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.134 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.Om Sai Ram

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2023, in connection with Crime No.134 of 2023, registered for the alleged offences punishable under Sections 294(b), 341, 392 & 397 of IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Kalaivanan, is that on 23.04.2023, the accused had waylaid the de-facto complainant, abused him in a filthy language and robbed a sum of Rs.1000/- from him at knife point. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the fact remains is that several cases are pending as against the petitioner and in order to put the petitioner under fetters, a false case has been foisted against him, as if the *de-facto* complainant has lodged a complaint against him. He also submitted that the petitioner is in custody from 24.04.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the



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petitioner.

4. At this juncture, the learned counsel for the petitioner has also produced the copy of the letter sent by the de-facto complainant/Kalaivanan to the District Collector, Cuddalore District stating that he has not preferred any complaint against the petitioner as stated by the prosecution. Hence he prayed for grant of bail to the petitioner.

5. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has waylaid the de-facto complainant and robbed a sum of Rs.1000/- from him at knife point. He further submitted that the petitioner is a history sheeted rowdy in H.S.No.152 of 2023, against whom, 4 previous cases of similar nature are pending. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record including the additional typed set of papers filed by the petitioner.



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7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the *de-facto* complainant's letter and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 District Munsif cum Judicial Magistrate, Kurunjipadi**, 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 report before the respondent Police, everyday at 10.30a.m., until further orders;

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



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[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.

17.05.2023

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To

1. The District Munsif cum Judicial Magistrate,
Kurunjipadi.
2. The Inspector of Police,
Vadalur Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.



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4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN.,J.

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