



WEB COPY



Crl.O.P.No.14078 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14078 of 2023

E.Gopalakrishnan

... Petitioner

Vs.

The State rep by,
Inspector of Police,
K-11 C.M.B.T. Police Station
Chennai
Crime No.109 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.109 of 2023, on the file
of the respondent Police.

For Petitioner : Mr.M.Rajkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.14078 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2023, for the offences punishable under **Sections 341, 323 and 363 of IPC altered into 147, 148, 341, 342, 323, 324, 364(A) and 302 of IPC, in Crime No.109 of 2023**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the case in crime No.109 of 2023 came to be registered on the information given by one Rajasekar, who is the Manager in Hotel A2B Adyar Anandha Bhavan. As per the complaint given by the said Rajasekar, he was working as a Manager in the hotel for the past three years and that on 23.02.2023 at 7.45 p.m. a 50 years old man had walked out from the hotel after having tiffin and at that time some persons who had come in a Tata car bearing Registration No.TN 12 X 2700, had abducted him in the car and he had informed the General Manager and thereafter on the instructions of the General Manager, he has given a complaint to the police on 24.02.2023. Later, during the course of investigation, it came to light that the accused had abducted the victim on



CrI.O.P.No.14078 of 2023

account of financial disputes and taken him to the house in Nolambur and kept him in illegal detention and after that, shifted him to another place and beaten him indiscriminately and due to the injuries sustained, he died and later, the accused had taken the body and disposed it near Kolapakkam, Mangadu. Hence, the case.

3. Learned Senior counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The petitioner is a Practising Advocate and he is the friend of the deceased. There was a money dispute between the deceased and the other accused and hence, the other accused had abducted the victim and kept him in a house and since the petitioner being an advocate known and also friend of the victim, he was called for settlement talks by the accused and he had gone there. Other than that the petitioner had not committed any offence. Since no settlement was arrived, he returned back. The petitioner understands that later, the accused have committed the murder of the victim and thrown away the body elsewhere. He further submitted that the major part of investigation is completed and the petitioner is in custody from 24.05.2023. Hence, he seeks bail to the petitioner.



Crl.O.P.No.14078 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner is the master mind of the operation. The deceased had some financial dispute with A1 and the petitioner is the person who had asked the other accused to kidnap the victim and based on his instructions, the other accused abducted the victim and they kept him in illegal confinement at a house in Nolambur limits and during which time, the petitioner also gone there and threatened and tortured the victim. He further submitted that the presence of the petitioner at the place of occurrence has been confirmed by CCTV footage and the investigation is pending.

5. At this juncture, the learned Senior counsel for the petitioner would submit that other than the petitioner being present in the place of occurrence, there is no other material against the petitioner and that the petitioner had not even touched the victim.

6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



CrI.O.P.No.14078 of 2023

WEB COPY

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side 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 Metropolitan Magistrate No.V, Egmore, Chennai**, 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 Oddanchatram and report before the Oddanchatram Police Station, Dindugal District, daily at 10.30 a.m., until further orders;

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



WEB COPY



CrI.O.P.No.14078 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.

23.06.2023

ksa-2

To

1. The Metropolitan Magistrate No.V,
Egmore, Chennai

2. Inspector of Police,
K-11 C.M.B.T. Police Station
Chennai

3. The Central Prison, Puzhal

4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Inspector of Police
Oddanchatram Police Station, Dindugal District



WEB COPY



Crl.O.P.No.14078 of 2023

A.D.JAGADISH CHANDIRA.,J.

ksa-2

Crl.O.P.No.14078 of 2023

23.06.2023