



Crl.O.P.No.21942 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21942 of 2023

Gowtham

...Petitioner

Vs.

State by:

The Inspector of Police,
Pallipalayam Police Station,
Namakkal Dist.

Crime No.305 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.305 of 2023 pending investigation before the respondent-police.

For Petitioner : Mr.T.Shanmugaboopathi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2023 for the offence punishable under Sections 294(b), 307 and 109 of IPC in Crime No.305 of 2023 on the file of the respondent police, seeks bail.



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2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he is falsely implicated in a case registered in Crime No.305 of 2023 for the offences under Sections 294(b), 307 and 109 of IPC. Petitioner is in Judicial Custody from 04.08.2023. Thus, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that on 03.08.2023, at night hours, *de-facto* complainant and his friends were walking in the main road at Pallipalayam. At that time, one Ramprabhu, Gowtham, Chandru and Dhinesh had come in a car bearing Registration No.TN 34 MA 8887, in a rash and negligent manner as if to dash against the *de-facto* complainant and his friends. Then, there arose a wordy quarrel between them. Thereafter, on the same day at about 10.30 pm, when *de-facto* complainant and his friends were talking near Periyar Nagar bridge, accused had come to the spot in the car and started fighting with them. Ram Prabhu and Dinesh were holding knives and Gowtham was holding an iron rod. Then, they started attacking the *de-facto* complainant and his friends. Thereafter, complaint was given. Injured had been treated in the hospital and discharged.



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4. Considering the nature of the incidents alleged in the First Information Report and the fact that, injured had been discharged from the hospital and the petitioner is in Judicial Custody from 04.08.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate at Kumarapalayam** 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 daily at 10.30.a.m., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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G.CHANDRASEKHARAN, J.

mpl

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

25.09.2023

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To

1. The Judicial Magistrate at
Kumarapalayam.
2. The Inspector of Police,
Pallipalayam Police Station
Namakkal Dist.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High court of Madras.

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