



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5372 of 2023

WEB COPY

Gopal Krishnan Daga

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
Cr.No.251/2022.

... Respondent/Complainant

For Petitioner : M/s.V.Kathirvelu, Senior Counsel
for M/s.Prabhu K, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.251 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

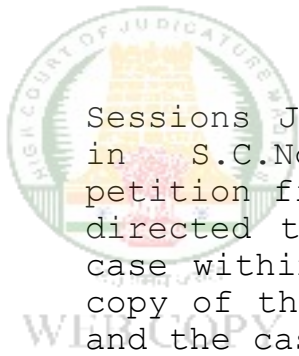
The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 11.07.2022 for the offences punishable under Section 174 of IPC @ Sections 302 and 380 of IPC. Subsequently charge sheet has been filed under sections 302 and 394 of IPC in Crime No.251 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.07.2022, the petitioner due to his business, had booked a room in the Raghu Lodge and he had stayed there. The petitioner/accused, checked out from his room at about 3.30 p.m and had went to rest room. Thereafter, the petitioner had returned to the lobby and had strangulated the neck of the manager, who was sleeping at the reception. After committing murder, he had taken away a gold chain weighing about 4 sovereigns and two rings weighing of 1 ½ sovereigns and fled from the scene of occurrence. Hence, the complaint.

3.Heard both sides and perused the materials available on record including the First Information Report.

4.In this case investigation has been completed and final report has been filed before the learned V Additional District and

<https://www.mhcn.gov.in/judis>



Sessions Judge, Tirunelveli and the same has been taken care of in S.C.No.408 of 2022. This Court while dismissing the earlier petition filed by the petitioner in Crl.O.P(MD) No.19986 of 2022 had directed the trial Court to complete the trial and dispose the case within a period of three months from the date of receipt of a copy of this order. Infact till today prosecution not yet commenced and the case stands posted for examination of L.W 1 to L.W.5. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 local sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai and on further conditions that:

[b] 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.

[c] the petitioner shall report before the trial Court on all working days at 10.30 A.M. and 5.30P.M., till the disposal of the case.

[d] the petitioner shall not commit any offences of similar nature.

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

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

[g] 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].

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

[i] Further the petitioner shall not file any application for relaxation of the condition imposed by this Court.

sd/-

23/03/2023

/ TRUE COPY /

23/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



TO

1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, THIDEER NAGAR POLICE STATION,
MADURAI CITY, MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-4681[I] dated 23/03/2023)

ORDER

IN

CRL OP(MD) No.5372 of 2023

Date :23/03/2023

RS/CG/SAR-(23.03.2023) 3P 7C