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Crl.O.P.No.20065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.20065 of 2024

Gopi @ Gopinath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Baluchettychatram Police Station,
Kanchipuram District.
(Crime No. 230 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 230 of 2024 pending
on the file of the respondent Police.

For Petitioner : Mr.R.Rajeshkrishnan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.06.2024, for the alleged offence punishable under Sections 449, 302,



Crl.O.P.No.20065 of 2024

506(ii) of IPC, 1860 @ 147, 148, 302, 449, 506(ii) of IPC, 1860 in Crime No.230 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity with regard to a temple festival, on 13.06.2024, at about 1.45 a.m., there was a wordy quarrel between the petitioner and the deceased person. Subsequently, the petitioner along with other accused persons entered into the defacto complainant's house and attacked the defacto complainant's son with a knife causing death in front of his parents. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 60 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 6 accused in this case and



CrI.O.P.No.20065 of 2024

the petitioner herein is arrayed as A4. He further submit that on the date of the alleged occurrence, due to previous enmity regarding a temple festival, there was a wordy quarrel between the petitioner and the deceased. Subsequently, the petitioner along with other accused persons entered into the defacto complainant's house and attacked the defacto complainant's son with a knife, thereby causing death in front of his parents. He further submit that the investigation was completed and the charge sheet has also been filed. He further submit that the petitioner has no previous cases, pending against him. However, he opposed to grant bail to the petitioner.

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

6. Considering the submissions made by the learned counsel on either side, and also considering the period of incarceration undergone by the petitioner, and also taking into the fact that the investigation was completed and the charge sheet was also filed, and considering that there is no previous cases pending against the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



Crl.O.P.No.20065 of 2024

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 Principal District and Sessions Judge, Kancheepuram, and on further conditions that:-

[a] the petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.

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

[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

[e] 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].



WEB COPY



Crl.O.P.No.20065 of 2024

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

03.09.2024

drl

To

- 1.The Principal District and Sessions Judge,
Kancheepuram.
- 2.The Inspector of Police,
Baluchettychatram Police Station,
Kanchipuram District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.20065 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.20065 of 2024

03.09.2024