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CRL O.P. No.20414 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20414 of 2024

Gopinath.M

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
CCB, Avadi Police Station,
Avadi City Police.

... Respondent

[Cr. No.34 of 2024]

For Petitioner : Mr.R.M.Gokulakrishnan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No. 34 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 14.06.2024 for the offences punishable under Sections 465, 468, 467, 471, 420 and 120B of IPC, in Crime No.34 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant purchased a land from A1 who had sold the land to the defacto complainant's husband Govindasamy. While so, the said A1 sold the same to A2, which was already sold to the defacto complainant's husband and A2 sold the same to the petitioner herein with power document. Based on that, the petitioner sold the land to A4 and A5 as two parts. Hence,the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no previous case against the petitioner and investigation has been completed. He would further submit that the petitioner has been in custody for more than 69 days and he is ready to



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abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that petitioner, along with the other accused, fabricated the documents, sold the same lands to the defacto complainant and two other persons, thereby cheated the defacto complainant. He would further submit that investigation has been completed and there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offence and also the number of days of incarceration undergone by the petitioner and that investigation has been completed and there are no previous cases pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[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 sureties each for a like sum to the satisfaction of the **Judicial Magistrate Court No.I, Poonamallee**, and on further conditions that:

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar nature.

[d] the Petitioner shall not abscond either during investigation or trial.

[e] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

1.The Judicial Magistrate Court No.I, Poonamallee.

2.The Inspector of Police,
CCB, Avadi Police Station,
Avadi City Police.

3.Central Prison, Puzhal.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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