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CrI.O.P.No.21940 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

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

CrI.O.P.No.21940 of 2024

Gogul Raj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
(Crime No. 182 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. 182 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.T.Meganathan

For Respondent : M/s.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 22.08.2024 for the alleged offence punishable under Sections 109, 115(2),
118(1), 140(1), 191(2), 191(3), 296(b), 351(3) of BNS Act, @ under Section



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109, 115(2), 118(1), 140(1), 191(2), 191(3), 296(b), 351(3) and 60 of BNS Act, in Crime No.182 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.08.2024, at about 7.00 p.m, due to previous enmity, the petitioner along with other accused persons, abused the defacto complainant with filthy language and attacked him with hands and kidnapped him at knife point and they demanded a sum of Rs.50,000/- from him. Hence, the case.

3. The learned counsel 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 further that based on the confession of the arrested accused, this petitioner was arrayed as an accused. He further submit that the petitioner's name is not found in the FIR. He further submitted that the petitioner is in custody for more than 20 days, and is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

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



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and the petitioner is ranked as A7. He further submits that defacto complainant is a friend of A6, due to previous enmity, on the date of the alleged occurrence, the petitioner along with other accused persons, attacked the defacto complainant, causing injuries to him and kidnapped him at knife point. They also demanded a sum of Rs.50,000/- from him. He further submit that the injured was discharged from the hospital. He further submit that all the accused were arrested and are in judicial custody. He further submits that the petitioner has no previous case, pending against him. Hence, 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, nature of offence, and the petitioner has no previous case pending against him, and the petitioner is not named accused in the FIR and considering that the petitioner was arrayed as accused based on the confession of co-accused, and also considering the period of incarceration undergone by the petitioner, injured was discharged from the hospital, all the



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accused were secured, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. 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 District Munsif cum Judicial Magistrate, Neyveli, Cuddalore District, and on further conditions that:-

[a] 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.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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[d] the Petitioner shall not abscond 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]; and

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

11.09.2024

drl

P.DHANABAL, J.

drl



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To

- 1.The District Munsif cum Judicial Magistrate,
Neyveli, Cuddalore District.
- 2.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
- 3.The Superintendent,
Central jail, Cuddalore District.
- 4.The Public Prosecutor,
High Court of Madras.

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