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Crl.O.P.No.24930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

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

Crl.O.P.No.24930 of 2024

Gowtham @ Chinna Gandu

... Petitioner

Vs.

State represented by,
The Inspector of Police,
C1 Flower Bazaar Police Station,
Chennai.
(Crime No. 133 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.133 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.E.Gopalakrishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.07.2024, for the alleged offence punishable under Sections 341, 307,



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506(ii) of IPC @ under Sections 147, 148, 341, 307, 506(ii) r/w 34 of IPC, in Crime No.133 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.06.2024, due to previous enmity, the petitioner along with other accused persons attacked the defacto complainant's husband and his brother with knife, causing injuries to them. 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 further submits that the co-accused were also released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 90 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to previous enmity, on the date of the alleged occurrence, the petitioner along with other accused persons attacked



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the defacto complainant's husband and his brother with knife, causing injuries to them. He further submit that the injured were discharged from the hospital. He further submits that the detention order has been set aside by this Court. He further submits that the investigation was completed and the final report was also filed. However, 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 nature of offence, investigation was completed and the final report was also filed, and the detention order was also set aside by this Court as against the petitioner, co-accused were also released on bail, and considering the period of incarceration undergone by the petitioner and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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 VIII



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Metropolitan Magistrate, George Town, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days, 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;

[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



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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.

14.10.2024

drl

To

- 1.The VIII Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
C1 Flower Bazaar Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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