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CrI.O.P.No.18601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18601 of 2025

Gopalakrishnan

... Petitioner/A5

Vs.

The State rep by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No.815 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Crime
No.815 of 2024 on the file of the Respondent police.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI.Side)



CrI.O.P.No.18601 of 2025

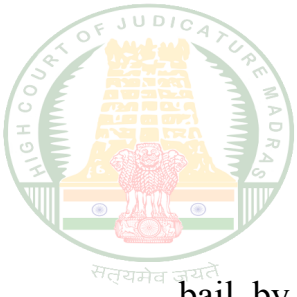
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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.12.2024, for the offences punishable under Sections 103(1), 3(5), 49, 61 of BNS, 2023 altered as 103(1), 61(2)(a) & 49 of BNS, 2023 in connection with Crime No.815 of 2024, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that A1/wife of deceased had an illicit relationship with A2. On the instigation of A1, A2 decided to do away with the deceased and engaged the petitioner and other accused to cause the death of the deceased and accordingly, the deceased was done to death. 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 further submitted that the petitioner was detained under Tamil Nadu Act 14 of 1982 and the said order was set aside by this Court in HCP No.213 of 2025 on 10.06.2025. He further submitted that the co-accused/A8 has been granted



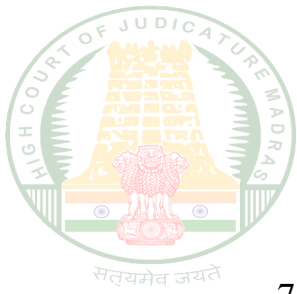
CrI.O.P.No.18601 of 2025

bail by this Court in CrI.O.P.No.2744 of 2025 on 05.02.2025. Hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner submitted that petitioner has got no previous case. He further submitted that the co-accused/A8 was granted bail by this Court in CrI.O.P.No.2744 of 2025 on 05.02.2025 and A7 & A10 were granted bail by this Court in CrI.O.P.No.18323 of 2025 on 26.06.2025.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on either side and the period of incarceration undergone by the petitioner and the fact that the co-accused/A8, A7 and A10 were already granted bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.



CrI.O.P.No.18601 of 2025

WEB COPY

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 learned **Judicial Magistrate, Avinashi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioner to give an undertaking that if



WEB COPY



CrI.O.P.No.18601 of 2025

required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

01.07.2025

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Crl.O.P.No.18601 of 2025

M.NIRMAL KUMAR, J.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate, Avinashi.
- 2.The Inspector of Police,
Avinashi Police Station, Tiruppur District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.18601 of 2025

01.07.2025