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CRL OP No. 16565 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16565 of 2026

Gowtham

..Petitioner

Vs

State Rep. by
The Inspector of Police,
E-5, Sholavaram Police Station,
Tiruvallur, Crime No.311 of 2026

..Respondent

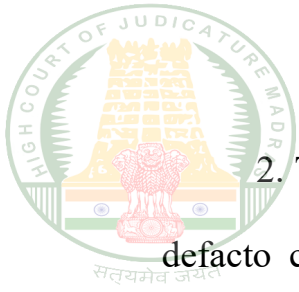
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, in the case pending investigation in Crime No.311 of 2026 on the file of the respondent police.

For Petitioner: Mr.D.Dhanasekar

For Respondent: Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2026 for the alleged offences under Sections 310(4) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.311 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on receipt of secret information, the defacto complainant, a Sub-Inspector of Police, along with the police party proceeded to Gandhi Nagar 400 Feet Road where five persons were allegedly found standing with knives with an intention to commit robbery. On seeing the police, four persons escaped and one accused was apprehended.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated solely on the basis of the confession of the co-accused. It is further submitted that no recovery has been effected from the petitioner and no overt act of robbery is attributed against him. The learned counsel would submit that the petitioner was remanded to judicial custody on 24.05.2026 and is ready to abide by any condition imposed by this Court. It is further submitted that co-accused has already been enlarged on bail in Crl.O.P.No.14782 of 2026 dated 11.06.2026. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that there are about five accused in the present case and this petitioner is arrayed as A4. It is further submitted that the petitioner has four previous criminal cases. However, it is fairly submitted that the allegation against this petitioner is only at the stage of attempt.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. From the submission of the learned counsel on either side, this Court is of the view that though the petitioner has previous criminal antecedents, the allegation against him is only in respect of an attempt. Considering the fact that the co-accused have already been released on bail in Crl.O.P.No.14782 of 2026 dated 11.06.2026 and taking into consideration the period of incarceration undergone by the petitioner since 24.05.2026, this Court is inclined to enlarge the petitioner on bail, 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.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned **Judicial Magistrate – II, Ponneri**, and subject to the following conditions:

[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 daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation;



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[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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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 learned Judicial Magistrate-II, Ponneri.
2. Central Prison, Puzhal II.
3. The Inspector of Police, E-5, Sholavaram Police Station, Tiruvallur.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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