

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION No.19210 of 2018

GOPI @ GOPIKRISHNAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MUDALIARPET POLICE STATION,
PUDUCHERRY.
CR. NO. 126 OF 2018.

For Petitioner : M/S.A.TAMILVANAN Advocate

For Respondent : M/S.D.BHARATHACHAKRAVARTHY PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 147, 294(b), 427, 506(ii) r/w.149 of IPC along with 20 others in Crime No.126 of 2018, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner along with other accused abused filthy language and assaulted to the defacto-complainant.

4. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and that the co-accused have been released on bail and hence, prayed for grant of anticipatory bail.

5. The learned Additional Public Prosecutor submitted that due to previous enmity with regard to playing of kabadi match, the petitioner and other accused had assaulted the defacto-complainant. Due to which, the defacto-complainant injured and discharged from the hospital.

6. Taking into consideration the nature of allegations against the petitioners and the fact that the injured has been discharged from the hospital and the submission that the co-accused have been released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Puducherry, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the learned 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

03/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II
PUDUCHERRY

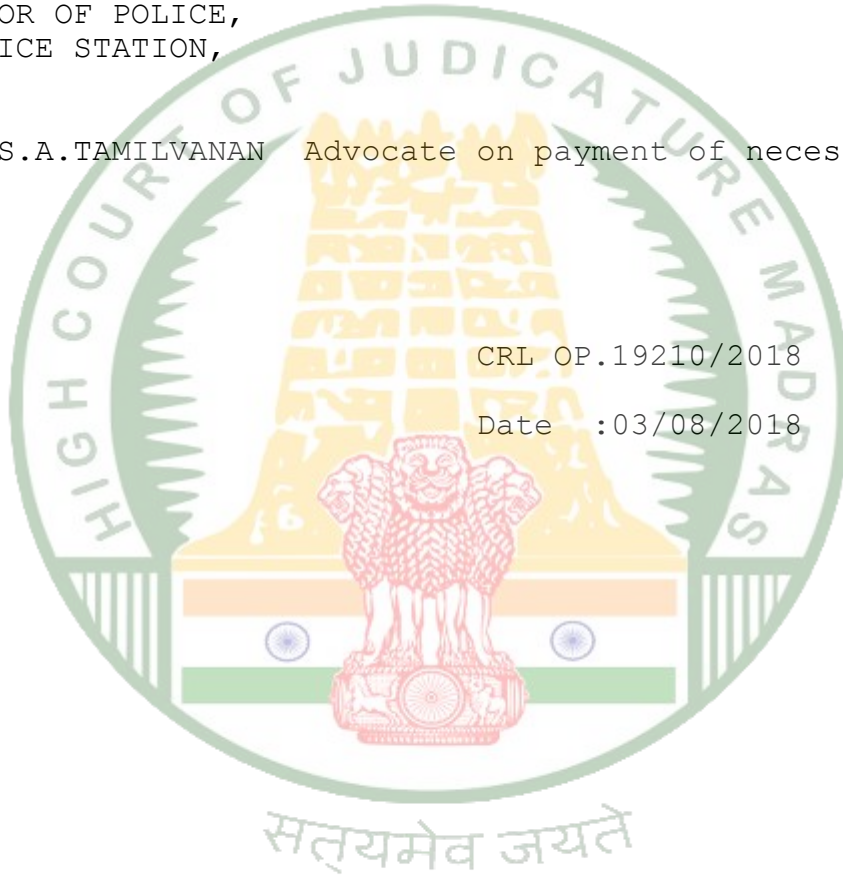
2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUDALIARPET POLICE STATION,
PUDUCHERRY

+1CC to M/S.A.TAMILVANAN Advocate on payment of necessary
charges 14477

cm 06/08/2018



CRL OP.19210/2018

Date :03/08/2018

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