



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Tenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5509 of 2018

GOPI @ GOPIKANNAN

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO. 50 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

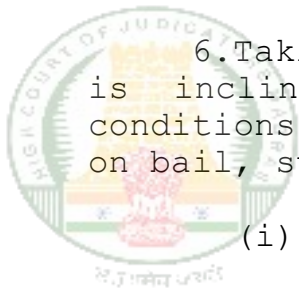
The petitioner is arrayed as third accused. He was arrested on 28.01.2018 by the respondent police and remanded to judicial custody. The case against him is for the offence punishable under Section 392 IPC, in Crime No.50 of 2013, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner along with two others committed robbery.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged and he is in judicial custody from 28.01.2018 and therefore, prays for bail in favour of the petitioner.

4.The learned Government Advocate (Criminal side) submitted that the case is of the year 2013 and the petitioner is absconding for more than five years and there is no previous case against the petitioner.

5.However, the learned counsel appearing for the petitioner submitted that the petitioner did not abscond and was very much available in Thrace Nagar, Tuticorin only.



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6. Taking note of the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) The petitioner shall execute 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 No.III, Nagercoil.
- (ii) The petitioner shall appear before the respondent police as and when required for interrogation.
- (iii) The petitioner shall not abscond.
- (iv) 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].

sd/-
10/04/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER IN CHARGE,
DISTRICT PRISON, NAGERCOIL.
- 4 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.5780

ORDER IN
CRL OP(MD) No.5509 of 2018
Date :10/04/2018