

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.8487 of 2021

Gokula Krishnan @ Gokul

... Petitioner/Accused-3

Vs.

The State Rep. by  
The Inspector of Police,  
Brammadesam Police Station,  
Villupuram District.  
(Crime No.1702 of 2020 )

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.1702 of 2020 on the file of the Respondent.

For Petitioner : Mr.M.Prabaharan

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate

O R D E R

(The case has been heard through video conference)

Petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 307 of IPC in Crime No.1702 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Totally there are three accused and the petitioner is arrayed as A3. The case of the prosecution is that due to previous enmity, on the instigation of the petitioner, the other accused drove the car in a rash and negligent manner and dashed against the son of the de-facto complainant, thereby he sustained grievous injuries. Hence, the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that only on the instigation of the petitioner, the other accused committed the offence and thereby, the son of the de-facto complainant sustained fracture on his thigh. However, he fairly submitted that the injured has been discharged from hospital and no previous case is pending against the petitioner.

5. Considering the fact that the injured has been discharged from hospital, and no previous case is pending against the petitioner, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest on his appearance, within a period of fifteen days from the date of receipt of a copy of this order before the learned Principal Sessions Judge, Villupuram, on condition that 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 Judge concerned and on further conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judge/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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
12/05/2021

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 PRINCIPAL SESSIONS JUDGE,  
VILLUPURAM.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
BRAMMADESAM POLICE STATION,  
VILLUPURAM DISTRICT.

+1 CC to M/S.M.PRABAHARANI Advocate on payment of necessary charges  
SR.No.6084

सत्यमेव जयते CRL OP.8487/2021

Date :12/05/2021

cs 27/05/2021

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