

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4620 of 2021

RAMU @ RAMAMOORTHY [PETITIONER / ACCUSED]

Vs

STATE REP BY, [RESPONDENT]

THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM.

(CRIME NO.478/2020)

For Petitioner : M/S.T.SHANMUGABOOPATHI Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL 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 342, 395, 397 and 506(2) IPC in Crime No.478 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Gunasekaran is that the petitioner called him under the guise of selling old gold jewels. The defacto complainant has gone to Kolathur Bus stand to purchase the old gold jewels from the petitioner. Thereafter, the petitioner has taken the defacto complainant to a house situated at Ottangkadu at Kolathur and illegally detained him and robbed an amount of Rs.13,000/- from his pocket and withdrawn an amount of Rs.1,400/- from ATM. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person. and he has been falsely implicated in this case.He would submit that since he got few previous cases, he has been falsely implicated in this case. He would also submit that the petitioner has not been arrested, despite the dismissal of the earlier application in Crl.O.P.No.17675 of 2020, dated 09.12.2020.

4.The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner has called the defacto

complainant under the guise of selling old gold jewels and the defacto complainant had gone to the Kolathur Bus stand to purchase the old gold jewels from the petitioner and thereafter, the defacto complainant was taken inside the house situated at Ottangkadu at Kolathur and he was illegally detained and the petitioner along with 5 accused robbed an amount of Rs.13,000/- from the defacto complainant's pocket and used his ATM Card and withdrawn an amount of Rs.1,400/-. He would further submit that there are totally 6 accused in this case and the petitioner is arrayed as A1. He would further submit that though the arrested accused have been granted bail, as far as this petitioner is concerned, there are seven previous cases pending against him and this Court taking into consideration, the bad antecedents of the petitioner had dismissed the earlier application for anticipatory bail in Crl.O.P.No.17675 of 2020 and would submit that there is no change of circumstances and that the custodial interrogation of the petitioner is very much essential.

5.Heard the counsel on either side.

6.Taking into consideration the facts and circumstances of the case and that the petitioner has got seven previous cases, the earlier application for anticipatory bail had been dismissed and now there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

10/03/2021

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 INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.SHANMUGABOOPATHI Advocate on payment of necessary charges

CRL OP.4620/2021

Date :10/03/2021