



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Fifth day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18630 of 2021

V. RAMAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KOVILPALAYAM POLICE STATION,
COIMBATORE DISTRICT.
CR.NO. 608/2021.

[RESPONDENT]

For Petitioner : M/S. M. MARUDHACHALAM Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (CrI. Side)

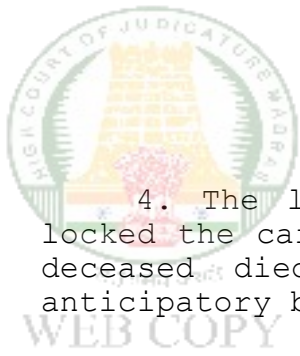
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Section 174 of Cr.P.C altered to Section 304 r/w 201 of I.P.C in Crime No.608 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, his brother and the deceased consumed alcohol and they were in inebriated mood and they travelled in the car and returned to their respective houses. It is alleged that the petitioner locked the car and went to his house . Subsequently after 7 days when the petitioner came to know that some bad smell was coming from the car, he found that the deceased died due to suffocation and the body was in decomposed condition. Hence the concerned Village Administrative Officer registered a case against the petitioner before the law enforcing agency.

3.The learned counsel appearing for the petitioner submits that the petitioner was not aware of the fact that the deceased was inside the car and locked the car and the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate submits that the petitioner locked the car when the deceased was inside the car. Due to which the deceased died to suffocation. However he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case , 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, or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Coimbatore 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 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) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(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 petitioners 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]; and;



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

-sd/-

05/10/2021

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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- II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KOVILPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. M. MARUDHACHALAM Advocate on payment of necessary charges SR.NO.11082

CRL OP.18630/2021

Date :05/10/2021

INBA-07/10/2021