



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

WEB COPY

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20962 of 2021

1 RAMU @ RAMAMOORTHY
2 ROOBA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
METTUR POLICE STATION,
METTUR,
SALEM DISTRICT.
CR.NO. 190 OF 2021.

[RESPONDENT]

For Petitioner : M/S. V.ELANGO VAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 109, 353, 506(ii), 189 and 309 IPC, in Crime No.190 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioner is a history sheeter and as per the order of the Deputy Superintendent of Police, Mettur, the respondent police went to the house of the petitioners to arrest the 1st petitioner in connection with the case in Cr.No.478 of 2021 for offence under Sections 392 read with 397 and 506(ii) IPC. At that time, the 2nd petitioner who is the wife of the 1st petitioner prevented the respondent police from discharging their duty. Thereafter, when the respondent police attempted to arrest the 1st petitioner, he abused the respondent police and in order to escape from being arrested, he attempted suicide by cutting his neck with knife and sustained blood injuries and with great difficulties, the respondent police admitted him in the hospital. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case in order to harass the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor raised strong objection stating that the 1st petitioner is a history sheeter and he has got 7 previous cases against him. However, there is no previous case against the 2nd petitioner.

5.Considering the fact that the 1st petitioner is a history sheeter and he has got 7 previous cases against him, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, this petition is dismissed in respect of the 1st petitioner is concerned.

6. Insofar as the 2nd petitioner is concerned, considering the facts and circumstances of the case and that there is no previous case against her, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

7.Accordingly, the 2nd 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-I, Mettur, on condition that the 2nd 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 2nd 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 2nd petitioner shall appear before the respondent police as and when required for interrogation;

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd 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 2nd petitioner in accordance with law as if the conditions have



been imposed and the 2nd 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]; and;

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

-sd/-

08/11/2021

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 JUDICIAL MAGISTRATE-I,
METTUR.

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

3 THE INSPECTOR OF POLICE,
METTUR POLICE STATION,
METTUR, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. S.DORAISAMY Advocate on payment of necessary charges SR.NO.12499

CRL OP.20962/2021

Date :08/11/2021

INBA-18/11/2021