



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Cr1.O.P.No.564 of 2022

N.Ramamoorthy

...Petitioner

Vs.

The State rep. by the
Sub-Inspector of Police,
Avalurpettai Police Station,
Melmalayanur Taluk,
Villupuram District 604 201.
(Crime No.484 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in Crime No.484 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Thilakeshwaran
for Mr.G.Bala Manikandan

For Respondent : Mr.A.Gokula Krishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 306 of IPC in Crime No.484 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused following a quarrel in fetching water from the Mini Tank on the street, dragged the defacto complainant's daughter on the ground by pulling her hair, abused her and also assaulted her and unable to bear the insult, the defacto complainant's daughter committed suicide by consuming poison. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that due to previous enmity, the defacto complainant has lodged a false complaint against the petitioner. He further submits that co-accused was enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor on instructions submits that there is no previous case as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by both counsel and also considering the fact that there is no previous case as against the petitioner, investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Gingee 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, failing which, the petition for anticipatory bail shall stand dismissed 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 on everyday at 10.30 a.m., for a period of four 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 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/-

21/01/2022

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,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
AVALURPETTAI POLICE STATION,
MEMALAYANUR TALUK,
VILLUPURAM DISTRICT-604 201.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary charges SR.No.974

CRL OP.564/2022

Date :21/01/2022

CSK 15/02/2022