



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Sixteenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.7839 of 2015

T. DHARMARAJ ... PETITIONER / ACCUSED NO.5
Vs

THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, TRICHY DISTRICT,
CRIME NO.596/2014 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.MAHESWARAN Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

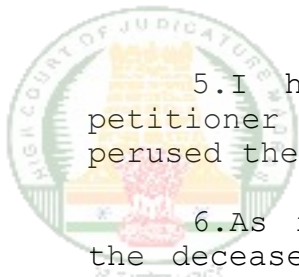
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A5 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 452, 294(b), 307 and 336 of IPC r/w section 4 of Tamil Nadu Prevention of Women from Harassment Act, 2002, section 3(1) of the Prevention of Damage to Public Property Act, 1984 and section 379(NP) of IPC @ 147, 452, 294(b), 307 and 336 of IPC r/w section 4 of Tamil Nadu Prevention of Women from Harassment Act, 2002, section 3(1) of the Prevention of Damage to Public Property Act, 1984 and 379(NP) and 302 of IPC, in Crime No.596 of 2014 on the file of the respondent police and seeks anticipatory bail.

2.According to the de-facto complainant, on 28.12.2014 at 11.30 a.m, the accused had trespassed into her house and A1 to A3 pulled her out of the house, abused her in filthy language and at the same time, A2 had brought kerosene from her house, doused her and set her ablaze, which was witnessed by more than 50 persons.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that though, the petitioner's name is found place in the FIR, however, there is no specific overtact attributed against him and on the other hand, it is the specific statement of the deceased herself that A2 had doused her with kerosene and set her fire; that in the second statement given by the deceased to the Judicial Magistrate, the name of the petitioner is not mentioned and as per the statement of witnesses examined by the respondent police, it is specifically stated that the deceased herself poured kerosene and set ablaze.

4.Per contra, the learned Government Advocate (Criminal side) appearing for the respondent vehemently opposed the petition stating that the name of the petitioner is mentioned in the complaint and the earlier petition was dismissed only on 13.01.2015 and there is no change of circumstances to consider this petition now.



5.I have heard the submission of the learned counsel for the petitioner as well as the learned Government Advocate (Criminal side) and perused the records.

6.As rightly contended by the learned counsel for the petitioner, the deceased has mentioned the presence of the petitioner in the first statement given to the respondent police, however, there is no specific overtact attributed against him and in the second statement given to the learned Judicial Magistrate, even his presence is not recorded and in the statements given by the independent witnesses, namely Prasanth, Chitra and Chinnammal etc., they have specifically stated that the deceased had poured kerosene herself and she purchased a match box from the shop of the witness, Prasanth and set her fire.

7.Considering the above facts of the case and also taking into consideration of the fact that the occurrence had taken place on 28.12.2014 and the major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Musiri and on his executing 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

16/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, MUSIRI
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to M/s.R.Maheswaran, Advocate SR.No.31324

Sm:23.06.2015:2P/6C

ORDER

IN

CRL OP(MD) No.7839 of 2015

Date :16/06/2015