

**CRL.O.P.No.16212 of 2016****S.VAIDYANATHAN, J.**

The petitioners, who were arrested and remanded to judicial custody on 9.7.2016 for the alleged offence punishable under Section 436 IPC in Crime No.324 of 2014 on the file of the respondent police, **seek bail.**

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side).

3. Petitioners are A2 and A3 respectively. The case of the prosecution is that the petitioners along with other accused are alleged to have set fire to the Jamad Office and also damaged electrical items and other articles to the tune of Rs.1,80,000/-.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and a false case has been foisted against them. He would further submit that the defacto complainant, due to prior enmity with the petitioner has lodged the present complaint containing false allegations.

5. Learned Government Advocate (Crl. Side) submitted that A1 to A4 have set fire to the Jamath Office, due to which, the roof of the office and other electrical items got damaged and the damage was estimated to the tune of Rs.1,80,000/-.

6. Learned counsel for petitioners would submit that they are ready and willing to deposit any amount towards cost of damages.

7. Considering the facts and circumstances of the case and taking note of the fact that the petitioners are ready and willing to deposit amount towards cost of damages, this Court is of the view that custodial interrogation of the petitioners are not required, since they are in judicial custody from 9.7.2016.

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8. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners 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 Judicial Magistrate, Sirkali;

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(iii) On coming out of jail, each of the petitioners shall deposit Rs.25,000/- (Rupees twenty five thousand only) in to the credit of Crime No.324 of 2016 within a period of fifteen days;

(iv) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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]**.

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02.08.2016

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