



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.9995 of 2016

F.RABSON DHARMARAJ

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION, MADURAI.
CR.NO.1068/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S T.LAJAPATHI ROY Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused No.1 was arrested and remanded to judicial custody on 08.06.2016 for the alleged offences punishable under Section 436 of IPC in Crime No.1068 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the defacto complainant found smoke coming from his compound wall and saw, the petitioner was running away from that place. Due to that, bike belonging to the defacto complainant's friend damaged worth Rs.60,000/-. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that both the petitioner and the defacto complainant are close relatives. Due to the dispute, with regard to the family property, negotiations are going on and the petitioner is also participating in the negotiation. In such circumstances, the petitioner has given a false complaint against the petitioner for the above said offences. He further submitted that the petitioner is willing to deposit a sum of Rs.10,000/- and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted the petitioner set fire on the compound wall of the defacto complainant and damaged bike belonging to the defacto complainant worth Rs.60,000/- and the investigation of the case is pending.

5.Considering the nature of allegations made against the petitioner and also considering the contention of the learned counsel for the petitioner that the petitioner is willing to deposit



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the amount, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) 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 learned Judicial Magistrate No.II, Madurai.
- (ii) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of above said Crime number 1068 of 2016 on the file of the concerned Magistrate;
- (iii) the petitioner shall appear before the respondent Police daily at 10.00 am until further orders.
- (iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

24/06/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,MADURAI
 - 2 THE CHIEF JUDICIAL MAGISTRATE,MADURAI
 - 3 THE INSPECTOR OF POLICE,TALLAKULAM POLICE STATION, MADURAI.
 - 4 THE SUPERINTENDENT,CENTRAL PRISON, MADURAI
 - 5 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S T.LAJAPATHI ROY Advocate SR.No.32868

ORDER

IN

CRL OP(MD) No.9995 of 2016

Date :24/06/2016