



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

Thursday, the Seventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16452 of 2017

ESWARAN

... PETITIONER / A-1

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.
(CR.NO.992 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.K.MANICKAM Advocate
For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)
For Intervenor : MR.G.KARUPPASAMY PANDIAN Advocate

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

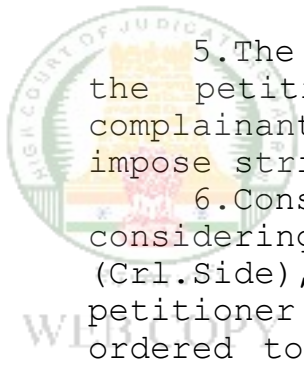
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 436 and 506 (ii) of IPC, in Crime No.992 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed money from the petitioner. Thereafter the petitioner demanded the defacto complainant to repay the money. Since the defacto complainant refused to repay the money the petitioner set fire on his car, thereby the defacto complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Since, the petitioner demanded the money from the defacto complainant, the defacto complainant without repaying the money had lodged a false complaint before the respondent police.

4.The learned counsel appearing for the intervenor would submit that petitioner committed the same offence for three times. At first time he damaged the defacto complainant's car, at the second time he set of fire to the car and at the third time also he again set fire to the car. For all the offences three cases were registered against the petitioner in three crime numbers. Accordingly he prays for dismissal of anticipatory bail.



5.The learned Government Advocate (Crl. Side) would submit that the petitioner committed heinous offence against the defacto complainant by setting fire on his vehicle and he requested to impose stringent conditions against the petitioner.

6.Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side), I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.992 of 2017 before the learned Judicial Magistrate, Theni, without prejudice to his defence before the trial Court.
- (ii)The learned Judicial Magistrate, Theni, is directed to accept the sureties after depositing the above said amount;
- (iii) The petitioner shall appear before the respondent police daily twice at 10.00 a.m. and at 5.00 p.m., for a period of four weeks and thereafter once in a week i.e., on every Monday at 10.00 a.m., until further orders.
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (vi) the petitioner shall not abscond either during investigation or trial;
- (vii) the petitioner shall not commit any offence while on bail;
- (viii) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

07/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.K.MANICKAM Advocate SR.No.35805

+1. CC to M/S.G.KARUPPASAMY PANDIAN Advocate SR.No.35846

ORDER

IN

CRL OP(MD) No.16452 of 2017

Date :07/12/2017

MKV-CM-VR-SAR 2/8.12.2017/3P-7C