

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13620 of 2018

S.KUBERAN SHAH (A) KUBER, [PETITIONER / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]
INSPECTOR OF POLICE,
KANCHEEPURAM TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.253/2018

For Petitioner : M/S.T.SARAVANAN Advocate

For Respondent : MR. T.P. SAVITHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4 of TNPPDL Act r/w 506(ii) IPC in Crime No.253 of 2018, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel for the petitioner has submitted that as per the F.I.R., two motor cycles have been set fire. He further submitted that in the F.I.R., it is stated that the defacto complainant is having suspicion that the petitioner herein would have set fire to the said vehicles. He further submitted that the wife of the petitioner has filed a petition for divorce in H.M.O.P.No.155 of 2013 before the Sub Court, Kancheepuram and the same was ordered as ex-parte on 12.04.2017. He further submitted that the petitioner has also filed a petition for restitution of conjugal rights in H.M.O.P.No.94 of 2013 on the file of Sub Court, Kancheepuram and the same was dismissed for default on 05.04.2018. He further submitted that in the complaint itself, the defacto complainant has stated that already the wife of the petitioner got divorce and they have decided to get married and aggrieved by the same, the petitioner herein might have set fire. He further submitted that the petitioner has not committed any offence and hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the respondent has submitted that the case has been registered under Section accidental fire on 16.04.2018. She further submitted that since in the complaint, it is stated that the defacto complainant is suspecting that the petitioner herein would have set fire, the petitioner was called for enquiry, but he did not appear for enquiry.

5.Taking into consideration the fact that in the F.I.R. Itself, it is not specifically stated that the petitioner herein has set fire to the vehicles, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 I, Kancheepuram, Kancheepuram District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall co-operate with the respondent police for investigation

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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]**.

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/05/2018

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,
NO.I, KANCHEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPAT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANCHEEPURAM TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.T.SARAVANAN Advocate on payment of necessary charges SR.NO. 9350

CRL OP.13620/2018

Date :23/05/2018

TA-24/05/2018