



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

Friday, the Sixteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4197 of 2018

1 N. SELVARAJ

2 LALITHA SELVARAJ

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ARAVAKURICHI POLICE STATION,
KARUR DISTRICT,
IN CRIME NO.46/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.P.SENTHIL Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/Rank not known, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section ' Accidental Fire', Section 425, 426 I.P.C., and Section 3 of TNPPDL Act, in Crime No.49 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has 4 acres of agricultural lands in Onthampatti and on 03.02.2018 at around 10.30 a.m., the petitioners' garden got fire and the same was spread over the defacto complainant's garden, which is lying adjacent to the petitioners' garden. Due to that, the defacto complainant's crops were burnt. Hence, the defacto complainant lodged a complaint for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the fire which was got in the petitioners' field spread over to the defacto complainant's field. On go through the averments made in the F.I.R., the defacto complainant has not mentioned any specific allegation against the petitioners. Moreover, the case has been registered for the offence of 'Accidental Fire'. So, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of two weeks, thereafter, as and when required for interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned 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 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]**.

sd/-

16/03/2018

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



1 THE JUDICIAL MAGISTRATE NO.II, KARUR

2 THE CHIEF JUDICIAL MAGISTRATE
KARUR

3 THE INSPECTOR OF POLICE
ARAVAKURICHI POLICE STATION, KARUR DISTRICT

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

+1. CC to M/S.M.P.SENTHIL Advocate SR.No.4308

ORDER
IN
CRL OP(MD) No.4197 of 2018
Date :16/03/2018

SMA/CM-VR/SAR-1/23.03.2018:3P/6C