



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

Thursday, the Thirteenth day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7758 of 2019

THIRUNAVUKKARASU

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.201 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.J.KARTHICK Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

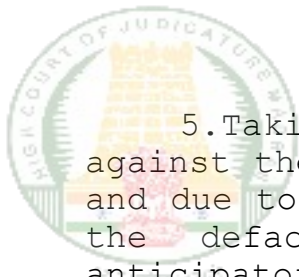
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 436 of IPC, in Crime No.201 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that even as per the FIR, the petitioner was setting fire to only Karuvelam Trees in order to clear the area. Due to wind force, the fire spread to the thatched house of the defacto complainant and therefore, the petitioner has not set fire with any intention to cause damage to the defacto complainant's house. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police has submitted that the petitioner without taking any precautionary steps set fire to the Karuvelam Trees and the fire spread to the house of the defacto complainant and cause damage to the properties worth about Rs.5,00,000/- and hence, he strongly opposed this petition.



5. Taking into consideration the fact that allegations made against the petitioner that he set fire only to the Karuvelam trees and due to wind force, the fire was spread to the thatched house of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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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 Judicial Magistrate Court, Nanguneri, 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) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.201 of 2019 before the Judicial Magistrate Court, Nanguneri, without prejudice his defence before the trial Court;

(ii) the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

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

(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.

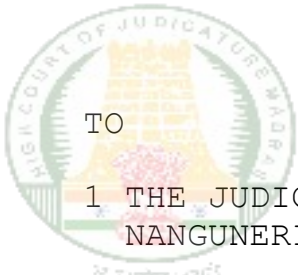
(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-

13/06/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No. 9652

ORDER

IN

CRL OP (MD) No.7758 of 2019

Date :13/06/2019

JM/VR/SAR 3/25.06.2019/3P/6C