



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

Monday, the Tenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7939 of 2019

S.VELLAISAMY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.220 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SELVAKUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petition has been filed by the sole Accused seeking bail for the alleged offence punishable under Section 436 of IPC, in Crime No.220 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the defacto complainant is the own brother of the petitioner herein and due to civil dispute he gave a false complaint against the petitioner herein. He further submitted that even as per the FIR, the defacto complainant is not an eye witness and he came to know only through his wife that the petitioner herein had set a fire to the shop on 01.05.2019 at about 11.45 p.m., but, he gave a complaint only on 10.05.2019. He further submitted that based on the said complaint, the petitioner was arrested and remanded to judicial custody on 10.05.2019. He further submitted that by this time, investigation might have been completed and therefore, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that on 01.05.2019 at about 11.45 p.m., the petitioner herein set afire to the defacto complaint's grocery shop



and caused a loss to the tune Rs.95,000/-. He further submitted that the investigation is still pending and hence, he opposed this petition.

5. Taking into consideration of the fact that the defacto complainant is not an eye witness and also the fact that the complaint was lodged after 10 days and also the fact that the petitioner is in custody for past 30 days and by this time, a major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.II, Kovilpatti, Thoothukudi District.

[b] the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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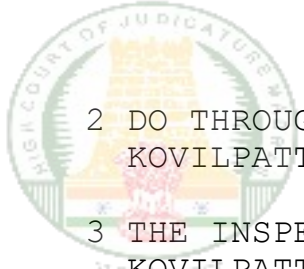
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10/06/2019

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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,



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KOVILPATTI.

3 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI.

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

+1. CC to M/S.C.SELVAKUMAR Advocate SR.No. 9341

ORDER

IN

CRL OP (MD) No.7939 of 2019

Date :10/06/2019

JM/VR/SAR 2/10.06.2019/3P/7C