

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7307 of 2020

Thajudheen @ Abdul Ajis

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
(Cr. No.274 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.274 of 2020 on the file of the Inspector of Police, Tiruppur North Police Station, Tiruppur.

For Petitioner : Mr. Abdul Basith

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.03.2020 for the offence punishable under Sections 435, 120B, 109 and 143 of IPC r/w Section 4 of TNPPDL Act, in Crime No.274 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.02.2020, the accused person has damaged the defacto complainant's four wheeler by setting fire, which was parked near his house and caused damage of Rs.10,00,000/-. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner's name was not found in the FIR and in connivance of the defacto complaint and the respondent police arrested the petitioner with malafide intention and remanded to judicial custody. The petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Further he submits that the petitioner is in judicial custody from 21.03.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that there are totally six accused involved in this case and the petitioner is arrayed as A2. All the accused persons are joined together with the intension of setting fire to the defacto complainant's car which is worth about Rs.10,00,000/- and completely damaged the same. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that there are totally six accused, in which the petitioner is arrayed as A2. Due to previous enmity, the accused persons conspires together and set fire to the defacto complainant's car worth about Rs.10,00,000/- Due to which, the entire car was damaged. During the course of the arguments, the learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.2,00,000/- into the credit of Crime No.274 of 2020.

6. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 21.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

[a] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.274 of 2020 on the file of the respondent police, and on such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

[b] the petitioner shall report before the respondent police daily at 10.30a.m., from 01.06.2020 to 19.06.2020, and thereafter as and when required for 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 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].

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
06/05/2020

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.1, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.I.ABDUL BASITH Advocate on payment of necessary charges

CRL OP.7307/2020

Date :06/05/2020

TA-16/07/2020

WEB COPY