

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8337 of 2020

1.Nazeer Mohamed (33)

S/o Abdul Hakkeem

5/177A, V.O.C.Nagar, Srinagar West,

Pitchampalayam Puthur (PO),

Tirupur-3

2.A.Shakthil (36)

S/o.Aminudeen

No.8/3443, Anna nagar,

South Near Saradha Vidhayalaya, Neripperichal,

Tiruppur.

... Petitioners

Vs.

The State Represented by

Inspector of Police,

Tiruppur North Police Station,

Tiruppur,

Crime No.274 of 2020.

...Respondent

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

For Petitioners : Mr. I.Abdul Basith

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioners are A3 & A6, who were arrested and remanded to judicial custody on 22.05.2020 and 23.05.2020 respectively for the offence punishable under Sections 435, 120B, 109 and 143 of I.P.C 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 persons 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 petitioners would submit that the petitioners are not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution. He further submitted that some of the co-accused were granted bail and anticipatory bail by this Court in Crl.O.P.Nos.7306 and 7767 of 2020. Further, he also submits that the petitioners are in judicial custody from 23.05.2020 and 22.05.2020 respectively and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally six accused involved in this case and the petitioners are arrayed as A3

and A6. All the accused persons have joined together with the intention 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 petitioners.

5. It is seen that there are totally six accused, in which the petitioners are arrayed as A3 and A6. Due to Intra party rivalry and previous enmity, the accused persons 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 petitioners would submit that the petitioners are ready and willing to deposit a sum of Rs.1,50,000/- each totally Rs.3,00,000/- into the credit of Crime No.274 of 2020. Further he submitted that the deposit of the said amount is without prejudice to his rights and shall not be construed admission of the guilty in any manner.

6. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 22.05.2020 and 23.05.2020 respectively, this Court is inclined to grant bail to the petitioners, subject to the following conditions :

[a] the petitioners shall deposit a sum of Rs.1,50,000/- each (Rupees one lakh, fifty thousand only) to the credit of Crime No.274 of 2020 by way of fixed

deposit before the concerned Court, within a period of 15 days of lifting of lockdown and commencement of regular functioning of Court below. The petitioners are 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 petitioners shall report before the respondent police as and when required for interrogation.

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

[d] the petitioners 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].

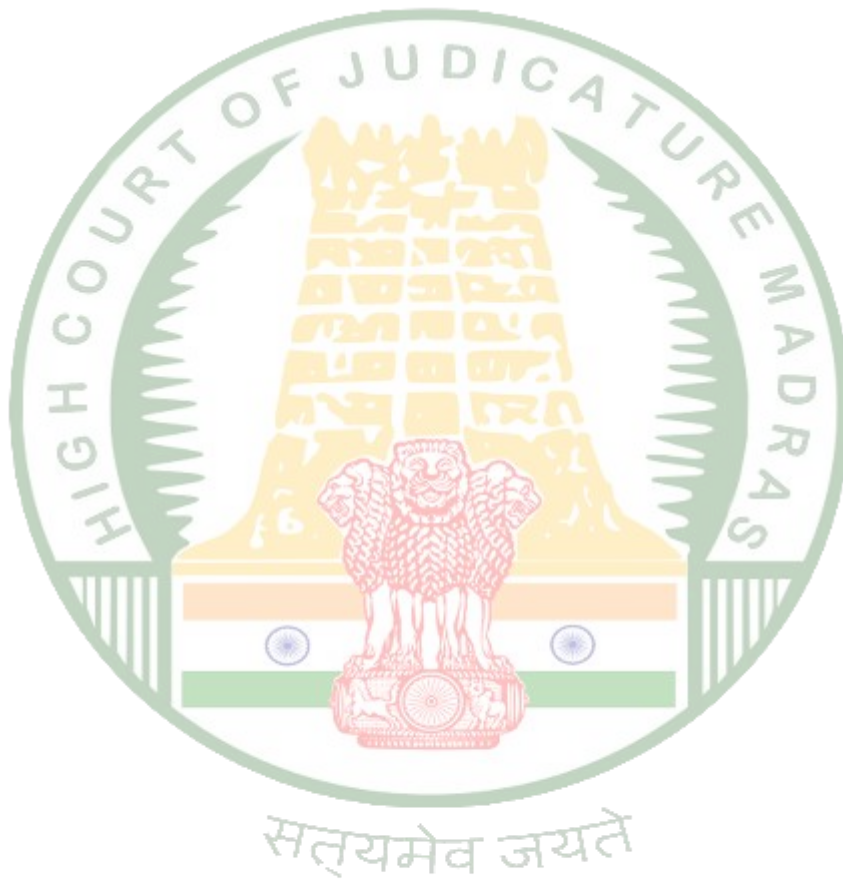
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

[g] It is made clear that the deposit of amount in the Crime No.274 of 2020 is without any prejudice and will not be construed against the petitioners in any manner.

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

09.06.2020

vsn



WEB COPY

M.NIRMAL KUMAR, J.

vsn

To

- 1.The Judicial Magistrate-I
Tiruppur.
- 2.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur,
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Prison,Coimbatore.



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