

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9567 of 2020

Karthi

... Petitioner

/versus/

The State Rep. By
Inspector of Police,
Aalivalam Police Station,
Thiruvarur District.
Crime No:653/2020

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioner / Accused pending investigation in Crime No.653 of 2020 on the file of Respondent Police.

For petitioner : Mr.Swami Subramanian

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.06.2020 for the alleged offences punishable under Sections 294(b), 436 and 506(i) IPC in Crime No.653 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner set fire to the haystack belonging to the defacto complainant and also abused the defacto complainant using filthy language and threatened him with dire consequences.

3.The learned counsel appearing for the petitioner would submit that a false complaint has been given against the petitioner due to a trivial dispute and that the occurrence is said to have happened on 25.05.2020, however, the complaint has been given only on 12.06.2020, after much delay and the petitioner was arrested on the same day. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that due to previous enmity, the petitioner set fire on the haystack belonging to

the defacto complainant and abused him using filthy language and threatened him with dire consequences.

5.Considering the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, 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, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate Thiruthuraipoondi, Thiruvarur District, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(e) the petitioner to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) 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/-
26/06/2020

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,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT

2 THE JAILER
DISTRICT PRISON, NAGAPATTINAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AALIVALAM POLICE STATION,
THIRUVARUR DISTRICT

CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges

rd 21/07/2020

CRL OP.9567/2020

Date :26/06/2020

WEB COPY