

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10254 of 2020

1. T.G. Raja ...Petitioners
2. R. Sivasankari
3. R. Ragul @ Ragulravi

-Vs-

The state rep by
The Inspector of Police,
Tirupattur Taluk P.S.,
Tirupattur District.
(Crime No.501/2020)

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No. 501 of 2020 on the file of the Respondent Police.

For Petitioner : Mr. D. Jagadeesan

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

ORDER

(The case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Section 436 of IPC in Crime No.501 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner is the native of Madurai and he has settled down in Tirupattur. The first accused T.G.Raja out of jealous and enmity has set out fire to the shed of the defacto complainant and the damaged assessed to the tune to Rs.2.10 lakhs. Hence the complaint.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there was a civil dispute pending between the parties and due to which the defacto complainant has lodged a false complaint. Hence, he prays

for grant of anticipatory bail to the petitioners.

4. At this juncture, the learned Additional Additional Public Prosecutor would submit that the defacto complainant is the resident of Madurai and he has set out a fire due to jealous and previous enmity and the same is recorded in the CCTC footage.

5. At this juncture per contra the learned counsel for the petitioners would submit that even as per the CCTV footage they could find only the vague image of the person. However, he would submit that without prejudice to his contention and defence the first petitioner is prepared to deposit a some considerable amount in the credit of crime no.

5. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh) to the credit of crime no.501 **within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, on such deposit, the petitioners are ordered to be released on bail** in the event of arrest or on their appearance, before the **learned Judicial Magistrate Court-II, Tirupattur**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each with two surety**, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent every day at 10.30 a.m until further orders. The second and third petitioners shall appear before the respondent police daily at 10:30 a.m for a period of two weeks and thereafter as an when required for interrogation.

[c] the final order in respect of the said deposit shall be passed by the learned Magistrate at the conclusion of trial.

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

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

[f] 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].

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

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

-sd/-
17/07/2020

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 COURT-II,
TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPATTUR TALUK POLICE STATION,
TIRUPATTUR DISTRICT.

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

CRL OP.10254/2020

Date :17/07/2020

TA-07/09/2020