

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11972of 2020

Arunbabu

... Petitioner

Vs.

State of Tamil Nadu, .... Respondent  
rep.,by The Inspector of Police,  
Kodavasal Police Station,  
Tiruvarur District.  
Cr.No.1403 of 2020

**Prayer:** Criminal Original Petition filed under Section 439 Cr.P.C.,  
praying to enlarge the petitioner on bail in Crime No.1403 of 2020  
on the file of the Respondent Police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (CrI. Side)

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 20.07.2020 for the offences punishable under Section 436 of IPC in Crime No. 1403 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the de-facto complainant one Kamalam is that the petitioner who is her step son had quarreled with her and assaulted her and also set fire to her house. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the defacto complainant is the step mother of the petitioner and there was some dispute with regard to property and that a false complaint has been given against him. He would submit that the petitioner is in custody from 20.07.2020. Hence, he seeks for grant of bail to the petitioner.

4 The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the defacto complainant is the step mother of the petitioner and during a quarrel, he set fire on the house of the defacto complainant. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submission of the learned counsel and also considering the period of incarceration, 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, Thiruvavur within 15 days from the date of lifting of the lock down 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 everyday at 10.30 a.m. until further orders.

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

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

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

(h) 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];

(i) 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/-  
14/08/2020

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,  
THIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
KODAVASAL POLICE STATION,  
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE,  
SUB JAIL, THIRUTHURAIPOONDI

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

CRL OP.11972/2020

Date :14/08/2020

TA-08/09/2020

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