

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2020

CORAM :

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

CRL.O.P.No.19114 of 2020

K.Vijay

... Petitioner

Vs.

State Represented through:
Inspector of Police,
R-2 Kodambakkam Police Station,
Chennai.
(Crime No.549 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.549 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Krishnakumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.11.2020 for the offence punishable under Section 436 of IPC in Crime No.549 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant Soundarya is that the accused teased her daughter and when it was questioned by her, the accused, on 19.11.2020 at night hours, set fire to the hut of the *de facto* complainant. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the *de facto* complainant are neighbors and there was previous enmity between two families and that a false case has been foisted against him. He would submit that even as per the FIR, the name of the person, who is alleged to have set fire to hut, is not known and that the petitioner has been arrested only on

custody from 20.11.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner and the *de facto* complainant are neighbors and that the petitioner had teased the daughter of the *de facto* complainant and when it was questioned by the *de facto* complainant, the petitioner got enraged and set fire to the hut of the *de facto* complainant and that the value of damage is Rs.3,000/-.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioner, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate at Saidapet, Chennai and on further conditions that;

(b) 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;

(c) the petitioner shall stay at Cuddalore and report before the Cuddalore Old Town Police Station every day at 10.30.a.m. until further orders;

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

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

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

(g) 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];

(h) 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/-

09/12/2020

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 METROPOLITAN MAGISTRATE XVII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-2 KODAMBAKKAM POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
SUB JAIL, MADURANTHAGAM.

6 THE OFFICER INCHARGE,
CUDDALORE OLD TOWN POLICE STATION,
CUDDALORE.

+2 CC to M/S R.KRISHNAKUMAR Advocate on payment of necessary charges SR.No 8041

CRL OP.19114/2020

Date :09/12/2020

MN-10/12/2020