



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/12/2020

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PRESENT

The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13954 of 2020

K.Selva Senthil

... Petitioner/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
Town East Police Station,
Dindigul, Dindigul District.
Crime No. 2501 of 2020.

... Respondent/Complainant

For Petitioner : M/s.C.Susikumar, Advocate.

For Respondent : Ms.Ananthadevi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.2501 of 2020 on the file of the Respondent Police.

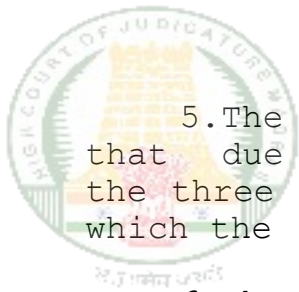
ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 436 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that due to previous enmity the accused persons have set fire to the three two wheeler belonging to the defacto complainant and a portion of the house was burnt and the damaged was worth about Rs.6 lakhs.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the name of the petitioner does not found place in the First Information Report and A1 in this case was arrested and remanded to judicial custody. Even according to the defacto complainant the damage is worth about Rs.1,53,825/- and he is also ready and willing some portion of the amount without prejudice to his rights.



5.The learned Government Advocate(Criminal Side) would submit that due to previous enmity the accused persons have set fire to the three two wheeler belonging to the defacto complainant , due to which the portion of the house burnt.

6.The learned counsel for the intervenor would submit that due to previous enmity the petitioner along with other accused damaged the two wheeler. He would also submit that as per the instruction of A1 they both set fire to the three two wheeler and also caused damage to portion of the house worth about Rs.6 lakhs, therefore he vehemently opposed to grant anticipatory bail to the petitioners.

7.It is seen that there are two accused in this case and the petitioner herein is arrayed as A2. A1 was arrested and remanded to judicial custody. Due to the fire caused by the accused persons the property of the defacto complainant worth about Rs.6 lakhs was damaged and now the petitioner is also ready and willing to give substantial portion of amount to the defacto complainant to show his bonafide.

8.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner is ready and willing to give substantial portion of amount to the defacto complainant to show his *bonafide*, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, the petitioner is directed to pay a sum of Rs.3,00,000/- (Rupees Three lakhs only) to the defacto complainant directly and on such payment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Dindigul, Dindigul District on condition that the petitioner shall 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four Weeks and thereafter as on when required for interrogation;

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



(d)the petitioner shall not abscond 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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL,DINDIGUL DISTRICT.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-7893[I] dated 04/12/2020)

ORDER

IN

CRL OP(MD) No.13954 of 2020

Date :03/12/2020

AAV

<https://hcma.cemts.gov.in/hcma/Service/8.12.2020/3P/6C>