

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4515 of 2021

Ambethkar

... Petitioner

Vs.

State by
The Inspector of Police,
Fairlands Police Station,
Salem Dt.
(Crime No.1367 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.1367 of 2020 on the file of Respondent police.

For Petitioner : Mr.S.Jeyakumar

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 22.01.2021 for the offence punishable under Sections 436 of I.P.C. in Crime No.1367 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has borrowed a sum of Rs.3 lakhs from the defacto complainant and he demanded repayment. Due to the same, earlier, the car belong to the defacto complainant was set fire by the petitioner and immediately, the fire was doused. Once again, on the next day, both the accused went to the house of defacto complainant and poured petrol and set fire to another car. Hence, a complaint has been given on 05.12.2020. Thereafter, the investigation reveals that the petitioner, due to previous enmity, set fire on the car of the defacto complainant and he was arrested and remanded to judicial custody on 22.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that, admittedly, the occurrence has been taken place on

05.12.2020 and the complaint has been given against the unknown persons. Now, the defacto complainant has falsely implicated the petitioner as accused in this case, he was arrested and remanded to judicial custody on 22.01.2021. So far, the respondent has not conducted a identification parade and the petitioner is in jail for more than one month. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that totally there are three accused and due to previous enmity, the petitioner has set fire on two cars. The investigation reveals that the petitioner has been involved in this offence and the investigation is still pending. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, only on suspicion, the petitioner was arrested, the investigation is almost completed, there is no previous antecedents against the petitioner and considering the period of incarceration suffered by the petitioner from 22.01.2021, 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 Judicial Magistrate No.V, Salem 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, after his release from prison, report before the respondent daily 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.

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

-sd/-
08/03/2021

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 NO.V,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.4515/2021

Date :08/03/2021