

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5599 of 2021

SANTHOSH KUMAR @ SANTHOSH

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
POLLACHI TALUK POLICE STATION,
POLLACHI,
COIMBATORE DISTRICT
(CRIME NO.56 OF 2021)

For Petitioner : M.N.BALAKRISHNAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police in connection with the case in Crime No.56 of 2021 for the alleged offence u/s 436 of IPC, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner is accused of having caused damage to the tune of Rs.20,000/- by setting fire to the agricultural crops of the de facto complainant, which is punishable under Section 435 of IPC.

4. According to the learned Additional Public Prosecutor, FIR has been registered only for offence under Section 435 of IPC, which is bailable in nature and, therefore, the petitioner may be directed to approach the learned Magistrate concerned seeking appropriate relief.

5. At this juncture, the learned counsel for the petitioner submitted that when the petitioner had approached the learned Judicial Magistrate-II, Pollachi, by way of surrender and bail petition, the learned Magistrate had orally refused to accept the petition on the ground that the allegations made out a case for offence under Section 436 of IPC which is non bailable in nature.

6. This court, having considered the submission made on either side and the available materials, is of the view that allegations made in the complaint, prima facie, make out a case for offence under Section 435 of IPC, which is cognizable and bailable in nature and therefore, the petitioner is directed to approach the learned Magistrate concerned seeking appropriate relief and in such event, the learned Judicial Magistrate-II, Pollachi, shall consider the surrender and bail petition being filed by the petitioner on merits and pass orders on the same day.

This criminal original petition is disposed of accordingly.

-sd/-

22/03/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
POLLACHI TALUK POLICE STATION,
POLLACHI,
COIMBATORE DISTRICT

+1CC to M.N.BALAKRISHNAN Advocate on payment of necessary charges SR NO.3976

CRL OP.5599/2021

Date :22/03/2021

MK:07/04/2021