

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6607 of 2021

K. Venkatesan

... Petitioner

Vs.

State represented by its,  
The Sub Inspector of Police,  
Vettavalam Police Station,  
Thiruvannamalai District.  
(Crime No.68 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.68 of 2021 on the file of the respondent.

For Petitioner : Mr. D. Mani Maran

For Respondent : Mrs.M.Prabhavathi  
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 18.03.2021 and remanded to judicial custody for the offences under Sections 294(b), 307 of I.P.C in Cr.No.68 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are relatives. It is alleged that due to some family dispute the petitioner poured kerosene on the defacto complainant and attempted to set fire and the defacto complainant was rescued by her sister and her son. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submits that the petitioner is in no way connected with the offence and that the petitioner has been in jail from 22.02.2021. On instructions, he further submits that the petitioner, without prejudice to his defence and contentions, is ready to deposit a sum of Rs.50,000/= (Rupees Fifty Thousand only) in the name of his daughter. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that due to family dispute, the petitioner poured kerosene on the defacto complainant and attempted to set fire on the defacto complainant and that the defacto complainant had suffered burn injuries. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that the investigation is almost completed and also considering the period of incarceration suffered by the petitioner and also the voluntary undertaking of the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) in the name of his daughter, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. The petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tiruvannamalai and on further condition that:

(a) The petitioner shall to deposit a sum of Rs.50,000/- in the name of his daughter and hand over the receipt of the said deposit at the time of his release on bail before the Judicial Magistrate No.II, Tiruvannamalai.

(b) 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;

(c) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(f) 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/-

27/04/2021

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.II, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVANNAMALAI (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE  
VETTAVALAM POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,  
SUB JAIL, POLUR

CC to M/S.D.MANIMARAN Advocate on payment of necessary charges  
Sr.5340

CRL OP.6607/2021

सत्यमेव जयते Date :27/04/2021

RVR 27/04/2021

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