

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7352 of 2021

KUMAR @ SASIKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
TIRUVARUR DISTRICT.
(CR.NO.70/2021)

[RESPONDENT]

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 436 and 506(i) of IPC in Crime No.70 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and one Gunasundari, W/o.Sundaram are neighbours. On 08.02.2021, the de-facto complainant's husband Adhi @ Sathiyamoorthy, in an inebriated condition made some indecent gestures on Gunasundari, due to which she committed suicide by consuming rat poison and he was was arrested by the police on 09.02.2021. Thereafter, on the same day, the deceased husband and other accused joined together and set fire on the houses of the de-facto complainant and his elder son Sathyaraj and thereby caused damage to the household articles. Based on the complaint given by the de-facto complainant, a case has been registered against the accused persons.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. The learned counsel, on instructions submitted that without prejudice to his defence, the petitioner is ready to deposit a sum of Rs.5,000/- to the credit of Crime No.70 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that on the date of occurrence, the petitioner along with other accused set fire on the house of the de-facto complainant and thereby caused damage to the house hold articles to the value of Rs.10,000/-. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the fact that the petitioner is ready to deposit a sum of Rs.5,000/- to the credit of Crime No.70 of 2021, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nannilam, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.5,000/- to the credit of Crime No.70 of 2021 before the concerned Magistrate, within a period of two weeks and thereafter, the amount shall be disbursed in favour of the de-facto complainant.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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;

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

-sd/-
29/04/2021

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,
NANNILAM.

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

3 THE INSPECTOR OF POLICE,
ERAVANCHERY POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO. 5590

WEB COPY

CRL OP.7352/2021

Date :29/04/2021

MN-12/05/2021