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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.13328 of 2021

Murugan

.. Petitioner

Vs.

State Rep By
The Inspector of Police (L& O),
J-7, Velacherry Police Station,
Chennai - 600 042.
Cr.No.772 of 2021.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.772 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.T.V.C.Kartheeban

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested on 27.06.2021 and remanded to judicial custody for the offences under Sections 436, 506(1) of IPC, r/w 3(1) of TNPPDL Act 1992 and Section 4 of TNPHW Act 2002, in Crime No.772 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner tried to sexually abuse the defacto complainant and there was a quarrel between them. Due to the said dispute, the petitioner set fire to the defacto complainant house and caused damages to the property to the tune of Rs.65,000/-. Hence the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 27.06.2021. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready to deposit Rs.1,00,000/- to the credit of Crime No.772 of 2021 and also conceded the a sum of Rs.65,000/- may may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,00,000/- shall be returned to him.



4. The learned Government Advocate (Crl.Side) submits that the petitioner set fire to the defacto complainant house and caused damages to the property to the tune of Rs.65,000/-. He would further submit there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and the voluntary undertaking of the petitioner to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, 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, each for a like sum to the satisfaction of the learned Metropolitan Magistrate Court at XVIII Saidapet, Chennai, and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.772 of 2021 within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made the learned Metropolitan Magistrate Court at XVIII Saidapet, Chennai, shall disburse a sum of Rs.65,000/- to the defacto complainant after obtaining an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,00,000/- deposited by the petitioner to the credit of Cr.No.772 of 2021 will be returned to the petitioner.

(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;



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

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-sd/-
02/08/2021

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 METROPOLITAN MAGISTRATE NO.XVIII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MEGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION) .

3 THE INSPECTOR OF POLICE (L AND O) ,
J-7, VELACHERRY POLICE STATION,
CHENNAI-600 042.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary charges

CRL OP.13328/2021

Date :02/08/2021

INBA 03/08/2021