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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.13787 of 2021

Arul Dass

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Sooramangalam Police Station,
Salem, Salem District.
Crime No.334 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 connection with the case in Cr.No. 334 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.D.Sukumar

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioner, who was arrested on 10.07.2021 and remanded to judicial custody for the offence under Section 174(3) of IPC altered to Section 306 IPC in Cr.No.334 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's elder daughter Kowsalya was given marriage to the defacto complainant's brother Mayakkannan and they are having a male child. The petitioner is the cousin of the defacto complainant. Believing the sweet words of the petitioner, the deceased Kowsalya left the company of her husband and stayed with the petitioner. Thereafter, the petitioner had called the defacto complainant to get back the deceased to her home. Subsequently on 29.06.2021 at about 11.15 hrs, due to some dispute, the said Kowsalya poured kerosene on her and set her ablaze. Hence the victim mother lodged a complaint before the respondent Police, who in turn had registered a case against the petitioner.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner is confined in prison from 10.07.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner and the investigation is pending.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Salem and on further condition that:

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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-sd/-

17/08/2021

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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S C.D.SUGUMAR Advocate on payment of necessary charges
Sr.8651

CRL OP.13787/2021

Date :17/08/2021

RVR 18/08/2021