



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17912 of 2021

1 SIVAPRAKASAM

[PETITIONERS / ACCUSED]

2 R.RAMESH

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
THIRUNALLAR, KARAIKAL DISTRICT,
PONDICHERRY.
(CR NO.128/2021)

For Petitioner : M/S.R.DHANASEKAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 34 and 436 of IPC in Cr.No.128 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners set fire in the de-facto complainant's house and caused damage to the tune of Rs.25,000/- Hence, the de-facto complainant lodged a complainant against the petitioners, based on which the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and the de-facto complainant had filed this case fully on wreck vengeance and this present complaint is lodged as a counter to the complaint lodged against the de-facto complainant's son in Crime No.127 of 2021 registered under section 307 of IPC as he has attempted to murder the relative of the petitioners with deadly weapon. He further submits that the petitioners are ready to deposit Rs.25,000/-(Rupees Twenty Five Thousand only) to the Crime No.128 of 2021 that may be disbursed in favour of the de-facto complainant. Hence, the learned counsel prays to grant anticipatory bail to the



4.The learned Government Advocate (Crl side) submits that the total worth of the damage caused by the petitioners is Rs.25,000/-. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioners to deposit the amount to the Crime No.128 of 2021 that may be disbursed in favour of the de-facto complainant, I am inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Karaikal, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners shall make a deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.128 of 2021 on the file of the respondent without prejudice to his defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioners succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the defacto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioners on such deposit being made and proof filed by the petitioners;

(b) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. For a period of two weeks and thereafter, as and when required for interrogation;

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

(e) the petitioners 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 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;



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

WEB COPY

-sd/-
28/09/2021

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-II,
KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
THIRUNALLAR, KARAIKAL DISTRICT,
PONDICHERRY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, PUDUCHERRY.

+1CC to M/S.R.DHANASEKAR Advocate on payment of necessary
charges SR.NO.10739

CRL OP.17912/2021

Date :28/09/2021

CSK 12/10/2021