



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15298 of 2021

P.Aravinth

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam, Thoothukudi District.
(Crime No.132 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.PALANI VELAYUTHAM,
Advocate.

For Respondent : Mr.A.THIRUVADAI KUMAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.132 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was surrendered on 30.08.2021 for the offence under Section 436 I.P.C., in Crime No.132 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.08.2021 the petitioner set fire to the defacto complainant's house and caused damage to the tune of Rs.1,00,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the defacto complainant's sister had love affair with one Senthilkumar. The said Senthilkumar frequently came to the place of the defacto complainant to see his lover and the same was restricted by the family members of the defacto complainant. Due to that motive, a false case has been foisted against the petitioner, who is the friend of the said Senthilkumar. He would further submit that the petitioner himself surrendered before the learned Judicial Magistrate, Sathankulam and he has not committed any offence as alleged by the prosecution. He is inside the prison from 30.08.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having three previous cases to his credit and the investigation in this case is yet to be completed.

5.The learned counsel for the petitioner, in response, submits that the petitioner will file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offence in future.

6.Considering the facts and circumstances of the case, the voluntary surrender of the petitioner, his readiness to file an undertaking affidavit and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/-(Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sathankulam, Thoothukudi District and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offence in future.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with the 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

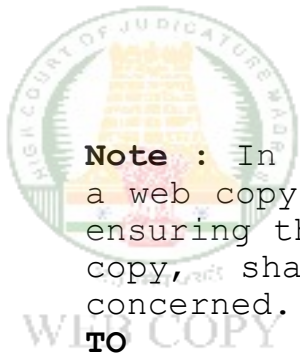
sd/-

07/10/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE
SATHANKULAM, THOOTHUKUDI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4.THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THATTARMADAM, THOOTHUKUDI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15298 of 2021

Date :07/10/2021

SA/JM/SAR.3/07.10.2021/3P/6C