



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23.12.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.20796 of 2021

K.Kalanjiyam

... Petitioner/ Accused No.4

Vs

State through
The Sub-Inspector of Police,
Nachiyarpuram Police Station,
Tirupathur Taluk,
Sivagangai District.
(Crime No.29 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.N.Ananthapadmanabhan,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

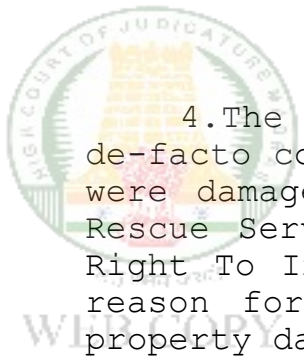
For Anticipatory Bail in Crime No.29 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.4, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 436 IPC in Crime No.29 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Managing Director of Kathirvel Textiles Private Ltd., Nachiyarpuram. On 31.03.2021 at about 04.45 p.m., the watchmen found that the cotton raw material that was kept in the premises was on fire and informed to the fire service and they were able to put off the fire and consequently, it was found that somebody wantonly set fire in the premises, resulting which, a loss of Rs.10,00,000/- was occurred to the Mill. Hence, the complaint.

3.The earlier petition filed by the petitioner for anticipatory bail was dismissed on 17.11.2021 in Crl.O.P.(MD)No.15314 of 2021.



4.The learned counsel for the petitioner would submit that the de-facto complainant stated that Rs.10,00,000/- worth about articles were damaged in the fire accident and the Fire Extinguishment and Rescue Services Department has issued a report in response to the Right To Information Act 2005, in which, they have stated that the reason for the incident is not known and that the value of the property damaged in the fire accident is worth about Rs.8,000/-.

5.As rightly pointed out by the learned counsel for the petitioner, in the FIR, the de-facto complainant has stated that he lodged a complaint regarding the theft of machineries earlier in 2018 and that investigation is pending and that Mill was closed in the year 2018 itself. Moreover, the FIR came to be registered on 31.03.2021. It is not in dispute that the petitioner has also filed a petition in Crl.O.P.(MD)No.18985 of 2021 to quash the FIR in Crime No.29 of 2021 and the same is pending before this Court. Even thereafter, the prosecution is not proceeding with further investigation and they are not in a position to say about the stage of the case.

6.The learned Additional Public Prosecutor would submit that the Fire Extinguishment and Rescue Services Department has stated that the value of the damage is only Rs.8,000/-.

7.Considering the above facts and circumstances and also the facts that the Fire Extinguishment and Rescue Services Department has stated that the value of the damage is only Rs.8,000/-, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thirupathur on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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 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;

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

sd/-

23/12/2021

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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,
THIRUPATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
NACHIYARPURAM POLICE STATION, TIRUPATHUR TALUK,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. APN LAW ASSOCIATES Advocate SR.No.9738

ORDER

IN

CRL OP(MD) No.20796 of 2021

Date : 23/12/2021

SS/VR/SAR-I/04.01.2022 : 3P/6C