



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.511 of 2022

1. Pounkasu @ Sekar
2. Selvaraj

...Petitioners

Vs.

The State,
Rep. By the Inspector of Police,
Konganapuram Police Station,
Salem District.
[Crime No.469/2021]

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pertaining to Crime No.469 of 2021 pending investigation on the file of the respondent police.

For Petitioners: Mr.R.Jayaprakash

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioners who were arrested and remanded to judicial custody on 18.12.2021 for the offences under Sections 436 of IPC, 1860 in Crime No.469 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was money transaction between the defacto complainant's husband and the first petitioner and after the demise of the defacto complainant's husband, the petitioners often tortured the defacto complainant's son to pay the due to them. While so, on 28.04.20221, the petitioners set fire to the defacto complainant's dwelling house, due to such reason, the entire house was damaged, hence, the defacto complainant's family members formed a hut there and in which they were residing. On 18.12.2021 at about 00.30 a.m., the petitioners poured Kerosene on the hut of the defacto complainant and set fire and left from the place. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that they have been suffering incarceration for more than 24 days from 18.12.2021. However, on instructions, he submits that the petitioners without prejudice to their rights, on their own volition, are ready to deposit a sum Rs.50,000/- (Rs.25,000/- each) to the credit of Crime No.469 of 2021.

4. The learned Government Advocate raised objection stating that the petitioners set fire to the dwelling house on the hut of the defacto complainant. He further submits that there are two previous cases as against the petitioners which are similar in nature.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioners and also the fact that the petitioners are ready to deposit a sum of Rs.50,000/- (Rs.25,000/- each) to the credit of Crime No.469 of 2021, this Court is inclined to grant bail to the petitioners with certain conditions;

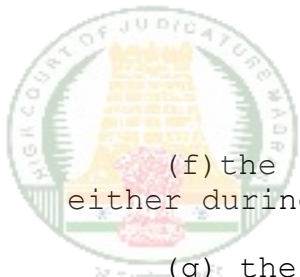
(a) the Petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) the petitioners are directed to deposit a sum of Rs.50,000/- [Rupees Fifty Thousand only (Rs.25,000/- each)] to the credit of Crime No.469 of 2021 before the learned District Munsif-Cum-Judicial Magistrate, Edappadi and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.50,000/- on proper identification and acknowledgment;

(c) the petitioners shall execute two sureties for a sum Rs.10,000/- (Rupees Ten Thousand only) each, before the learned District Munsif-Cum-Judicial Magistrate, Edappadi within 15 days from the date of commencement of the Court's normal functioning, failing which, the bail granted by this Court shall stand dismissed automatically;

(d) 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;

(e) the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;



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

(g) the petitioners shall not abscond either during investigation or trial;

(h) 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 are 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;

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

-sd/-

11/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, EDAPPADI,
SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.JAYAPRAKASH Advocate on payment of necessary charges SR.NO.527

CRL OP.511/2022

Date :11/01/2022

RW 12/01/2022