



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.803 of 2022

Gnanaprakash

...Petitioner

Versus

The State of Tamil Nadu
rep by the Inspector of Police,
Anupparpalayam Police Station,
Tiruppur City.
(Crime No.4228 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, praying to enlarge the petitioner on bail pending investigation in Crime No.4228 of 2021 on the file of the respondent police.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 19.12.2021 for the offence under Sections 294(b), 436 of IPC, in Crime No.4228 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.12.2021, there was a wordy quarrel between the defacto complainant and his wife and the petitioner was intervene them but they refused and thereafter the petitioner thrown the petrol bomb in a beer bottle and set fire on the defacto complainant's house. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody for more than 23 days from 19.12.2021. However, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that no previous case pending against the petitioner and would submit that the investigation is almost completed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.III, Tiruppur District, 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;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Tirunelveli and report before the town police station daily at 10.30 a.m. until further orders;

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

-sd/-

12/01/2022

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 JUDICIAL MAGISTRATE,
NO.III, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE OFFICER INCHARGE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI

CC to M/S. DEEPANUDAY Advocate on payment of necessary charges

CRL OP.803/2022

Date :12/01/2022

RVR 19/01/2022