



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3313 of 2022

Saravanan

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Annadanapatty Police Station,
Salem.
(Crime No.4 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.4 of 2022 on the file of the Inspector of Police, Annadanapatty Police Station, Salem.

For Petitioner : Mr.S.Sureshkumar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 02.01.2022 for the offences under Sections 294 (b), 285, 286, 436, 307 of I.P.C. in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner used to drink often and have a quarrel with the complainant regarding their property partition and at about 7.00 p.m the complainant was sitting in front of his home with his mom Kalyani, his wife Yasodha and his son Sudhishkumar. At that time, his own elder brother Saravanan who is the petitioner came to de-facto complainant's house and scolded the complainant with unparliamentary words with dire consequences and suddenly took the beer bottle filled of petrol banded with cloth and threw on the door of complainant's house. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that after registering first information report, the petitioner has been arrested by the respondent police for the offences punishable under Sections 294 (b), 285, 286, 436, 307 of I.P.C. In fact, the averment found in the first information report does not show any prima-facie of case for the offences under Sections 436 and 307 of I.P.C. Even after knowing the same, the respondent police arrested the petitioner for the said offences and remanded to the judicial custody. It is his specific submission that the petitioner is in judicial custody from 03.01.2022 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits portion of investigation has been completed.

5. The submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offence under Sections 294 (b), 285, 286, 436, 307 of I.P.C. The averment found in the first information report shows during the relevant point of time, the petitioner herein after throwing a petrol bomb on the doors of the de-facto complainant house, he ran away from the place of occurrence. In the said F.I.R., the de-facto complainant specifically stated that there was no damage to the door fixed in his house. Further, he does not show anything about the injury sustained by him. Even after knowing the same, the petitioner herein arrested and remanded to judicial custody for the offences under Sections 436 and 307 of I.P.C. Further, he is in incarceration from 03.01.2022 onwards.

7. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by this petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

(a) the petitioner is ordered to be released on bail to 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 Judicial Magistrate Court No.IV, Salem.



TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ANNADANAPATTY POLICE STATION,
SALEM.

4 THE ASSISTANT COMMISSIONER,
ANNADANAPATTY, SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.3313/2022

Date :14/02/2022

JPA 15/02/2022