



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Third day of February Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.4403 of 2022

APPU @ MURUGAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
CHENNAI. (CRIME NO.106 OF 2022)

[RESPONDENT]

For Petitioner : M/S.D.PADMANABHAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under Sections 294(b), 498(A) and 307 of IPC, in Crime No.106 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute, there was a wordy quarrel between the petitioner and defacto complainant and it is alleged that when the defacto complainant attempted to escape by pouring kerosene herself, the petitioner and others set fire. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submits that due to the wordy quarrel, the injured herself got provoked and poured kerosene and attempted to self-immolate. As of now, she was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. However he fairly admits that the parties are close relatives and the person who sustained injury is now discharged from the hospital after completing treatment.



5. Submissions made by the learned counsels appearing on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 294(b), 498(A) and 307 of IPC of IPC. The averments found in the First Information Report and the statement given by the injured person, would disclose the fact that in respect of the property dispute, the petitioner and the defacto complainant and her family members fought with each other and in the said quarrel, after got provoke, the injured herself took the kerosene and poured on her body. The only allegation is that somebody put fire on her. In this occasion, the injured herself discharged from the hospital after completing the treatment.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that custodial interrogation of the petitioner may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sriperambadur, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on every 10.00 a.m., until further orders.

(c) the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

23/02/2022

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,
SRIPERAMBADUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.PADMANABHAN Advocate on payment of necessary charges
Sr.2815

CRL OP.4403/2022

Date :23/02/2022

RVR 25/02/2022