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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14276 of 2022

Gopal

..Petitioner/ sole accused

Vs.

State by:-

The Inspector of Police,
Maharajakadai Police Station,
Krishnagiri District
crime No.71 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.71 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.06.2022 for the offence punishable under Section 436 of IPC in crime No.71 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that due to previous enmity on a civil dispute between the families of the petitioner and the defacto complainant, on 03.06.2022 at about 10.45 a.m., when the father of the petitioner was doing agricultural work by tractor, the defacto complainant questioned the same and there was a wordy quarrel. At that time, the petitioner came to the defacto complainant's hut and set fire by pouring kerosene. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that it is purely a civil dispute and the defacto complainant herself set fire and lodged the false complaint. Further, there is no injury caused to the defacto complainant and no huge damage caused to the hut. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that on the occurrence day, the petitioner set fire to the defacto complainant's hut and caused damage worth Rs.2,00,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to pay Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the defacto complainant by way of demand draft and on such payment, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Krishnagiri and on further conditions that:

[a] 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.

[b] the petitioner is directed to pay Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the defacto complainant by way of demand draft and the proof of acknowledgment for the same shall be produced before the Magistrate concerned while executing sureties.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
22/06/2022

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.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges SR.No.9696

CRL OP.14276/2022

Date :22/06/2022

CSK 22/06/2022