



Crl.O.P.No.21982 of 2022

A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 436, 307 and 120(b) of IPC in Crime No.740 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Dhanasekar, who was detained in Cuddalore prison being enraged with the strict attitude of Assistant Jailor Manikandan, in order to take revenge, had conspired with the other accused and pursuant to which, they set fire to the Assistant Jailor's house, while the wife of the Assistant Jailor and his family members were sleeping. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely roped in this case, since she happened to be the wife of the main accused, other than being the wife of the main accused, she had not involved in this case. During the relevant period she has not contacted the other accused over phone. He would also submit that the petitioner has no bad antecedents and she is prepared to comply with any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the wife of the main accused Dhanasekar @ Ennore Dhanasekar, the said Dhanasekar was antognised with the assistant jailor, since he had preventing him from using the mobile phone inside the cell and thereby there was enmity between them. In order to take revenge on the Assistant Jailor, had instigated to set fire to the house of the Assistant Jailor, while his family members were sleeping inside the house and fortunately, none of them were injured and the fire was put of. The petitioner had given money to the other accused for executing the crime. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate



No.II, Cuddalore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Dharmapuri and report before the Dharmapuri Town Police Station daily at 10.30am for a period of two weeks and thereafter to report before the respondent police as and when required for interrogation.

[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]***.

[f] If the accused thereafter abscond, a fresh FIR can be registered under

Section 229A IPC.



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With the above directions, this Criminal Original Petition is ordered.

20.09.2022

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