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CrI.O.P.No.22387 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.22387 of 2022

M. Dinesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.

(Crime No.740 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.740 of 2022 on the file of the respondent Police.

For Petitioner : Mr.P.Parthipan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 02.09.2022 for the offences punishable under Sections 436, 307 & 120(b) of IPC, in Crime No.740 of 2022 on the file of the respondent Police, seeks 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 Lawyer by profession and he is an innocent person and other than having given legal advice to the prisoners in the prison, he has nothing to do with the alleged offence of setting fire to the house of the Jailor. He would also submit that the petitioner was enrolled during the year 2021 and in a curiosity to help his clients, he had contacted his relatives and



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he had never involved in the offence. He would also submit that he has no bad antecedents and he is prepared to comply with any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is an Advocate of one Dhanasekar @ Ennore Dhanasekar. He would further submit that the petitioner had exceeded his brief by not only giving legal advice, but also conspiring with the other accused and 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 off. 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



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case and the submissions made by the learned counsel that the petitioner is an Advocate who has given only a legal advice and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate II, Cuddalore**, 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 shall stay at Dharmapuri and report before the Inspector of Police, Dharmapuri Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence



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or witness 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.

20.09.2022

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To

1. The Judicial Magistrate II, Cuddalore.
2. The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore
4. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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