



CrI.O.P.No.23837 & 23913 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

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

CrI.O.P.Nos.23837 & 23913 of 2022

Padayappa @ Moulidharan

..Petitioner in CrI.O.P.No.23837 of 2022

Senthil Kumar

..Petitioner in CrI.O.P.No.23913 of 2022

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.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.740 of 2022 on the file of the respondent Police.

In CrI.O.P.No.23837 of 2022

For Petitioner : Mr.P.Muthamizhselvakumar

In CrI.O.P.No.23913 of 2022

For Petitioner : Mr.D.Vijay



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In Both Crl.O.P.Nos.

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.08.2022 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, seek 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 in Crl.O.P.No.23837 of 2022 would submit that the petitioner, who is the helper in the house of one Dhanasekar, who is detained in Cuddalore Prison and he



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is an innocent person and other than contacting the relatives of Dhanasekaran 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 is in custody from 28.08.2022 and even as per the prosecution, there is no specific allegation as if the petitioner has set fire to the house of the Jailor. He would also submit that he has no bad antecedents and he is prepared to comply with any stringent condition imposed by this Court. He would also state that one of the co-accused has been granted with bail by this court in Crl.O.P.No.22837 of 2022 vide order dated 20.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned counsel appearing for the petitioner in Crl.O.P.No.23913 of 2022 would submit that the allegation as against the petitioner is that he is the person who has contacted the other accused to commit offence. He would further submit that the petitioner was working as warden in the Prison Department for the past 10 years with unblemished service. He would also submit that due to the previous enmity between the petitioner and the Jailor, he has been roped in in this case. He would also submit that other than the so called telephonic conversations between the



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petitioner and the other accused , there is no specific material to implicate the petitioner in this case. He would also submit that major part of the investigation is over and the petitioner has also been suspended from the service and he is prepared to comply with any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners in Crl.OP.No.23837/2022 is the associates of one Dhanasekar @ Ennore Dhanasekar. The petitioner in Crl.O.P.No.23613 of 2022 is a Warden in the Prison Department and he was having some grudge over the Assistant Jailor and he had used other accused who are Associates of Dhanasekaran for setting 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. Hence, he vehemently opposed to grant bail to the petitioners.

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



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7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners 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 petitioners shall stay at Tirunelveli and report before the Inspector of Police, Tirunelveli Town Police Station, everyday at 10.30 a.m., and 5.30 p.m., until further orders;

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



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[d] the petitioners shall not tamper with evidence 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

27.10.2022

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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