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Crl.O.P.No.24489 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

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

Crl.O.P.No.24489 of 2022

B.Kaviyarasan

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Andimadam Police Station,
Ariyalur District.

(Crime No.299/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.299
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Kavikannan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.09.2022 for the offences punishable under Sections 436 & 120(b) of IPC in Crime No.299 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that due to the electrical short circuit, there was a fire in his cowshed, which resulted in causing damage to his vehicles and also some articles, to the total value of Rs.6,36,000/-. Based on his complaint, initially case was registered for Accidental fire and during the course of the investigation, it was found that due to previous enmity, the accused had set fire to the de-facto complainant's cowshed and caused damage. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, who is related to the de-facto complainant. He would further submit that originally the de-facto complaint has lodged a complaint for accidental fire and subsequently, he has utilised



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the situation and gave the complaint, as if the petitioner had set fire to the cowshed. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that though originally the case was registered for accidental fire and during the course of investigation, it came to light that the petitioner has set fire to the de-facto complainant's cow shed. He would further submit that the investigation is pending. Hence, he would oppose to grant bail to the petitioner.

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

6. Taking into consideration the facts of the case and also considering the submissions made by the learned counsel that originally the case has been registered for accidental fire and subsequently, it has been altered, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 II Judicial Magistrate, Jayankondam**, 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 report before the respondent Police, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

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

[d] the petitioner 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 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



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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.

11.10.2022

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To

1. The II Judicial Magistrate,
Jayankondam,
2. The Sub Inspector of Police,
Andimadam Police Station,
Ariyalur District.
4. The Sub Jail,
Jayankondam.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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