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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). Nos.18562 & 18592 of 2022

Baskar
... Petitioner/Accused in CRL OP(MD). No.18562 of 2022

Ravikumar
... Petitioner/Accused in CRL OP(MD). No.18592 of 2022

Vs

The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District. in Crime No.875/2022..
... Respondent/Complainant in both petitions

For Petitioner : M/s.Prabha S,
(CRL OP(MD). No.18562 of 2022)
Mr.M.Jagadeesh Pandian
(CRL OP(MD). No.18592 of 2022)
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

C-38B. For Bail in Crime No.875/2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/accused, who were arrested on 13.09.2022 for the offences punishable under Sections 448, 427, 436 and 201 IPC in Crime No.875 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 11.09.2022, the defacto complainant is working as a Secretary of Thiruvidaimaruthur Primary Co-operative Agriculture and Rural Welfare Bank Limited, Thirupanmkottai. On 10.09.2022, the neighbor of the de-facto

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complainant informed that some miscreants damaged the windo et fire to the office including the files, which was maintained in the office. Since he was travelling towards Dharmapuri, he was not able to reach the occurrence place and he instructed other employees, who rushed to the bank, then they informed to the fire rescue team, thereafter, they reached the spot and brought the fire situation under control. During fire, several files maintained in the office and files connected with Pavundarigapuram Society got completely ablazed worth about Rs.6,10,000/-/. Hence, the complaint.

3.On the side of the petitioners, it is stated that the petitioners are innocent and not committed any offence as alleged by the prosecution. In this case, the petitioners are in custody from 13.09.2022. It is a false case and this is the second bail petition for the petitioner Ravikumar. Hence, prays to release the petitioners on bail.

4. On the side of prosecution, it is stated that in this case, due to enmity, the accused persons set fire to the office building and caused damages to the tune of Rs.6,10,000/-. In this case, till now six witnesses were examined and investigation is not yet completed. Hence, prayed to dismiss the petition.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that the six official witnesses were examined and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, these Criminal Original Petitions are allowed and the petitioners shall *pay a sum of Rs.1,00,000/- (Rupees One Lakh only) each to the credit of Crime No.875 of 2022, before the District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, Thanjavur District*, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of receipt/acknowledgment, the petitioners are ordered to be released on bail, on executing a 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 District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, Thanjavur District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall appear before the respondent Police daily at 10:30am, until further orders;

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(iii)the petitioners shall not tamper with evidence or ;

iv)the petitioners shall not abscond during trial.

v)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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/10/2022

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19/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The District Munsif cum Judicial Magistrate,
Thiruvidaimaruthur, Thanjavur District.

2.Do through, The Chief Judicial Magistrate, Thanjavur.

3. The Superintendent, Central Prison, Madurai.

4. The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District. in Crime No. 875/2022..

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.PRABHA S Advocate SR.No.11640

ORDER
IN
CRL OP(MD) No.18562 of 2022
Date :19/10/2022

AMS/SKN/(19.10.2022) 3P 7C

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