



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21351 of 2022

Kutty Anandh @ Anandh

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Thanjavur TMCH Police Station,
Thanjavur District.
Crime No.1004 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Maheswaran R,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1004 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 25.10.2022 for the offence punishable under Section 436 of IPC in Crime No. 1004 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Chandrasekar is that the petitioner and the defacto complainant are dancers of Karakatta Group. There was a business motive between the defacto complainant and the accused. Whiles, on 25.10.2022, the petitioner and two other accused said to have set fire to the house of the defacto complainant and caused damage worth about Rs.1,90,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that A2 was already released on bail. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having one previous case similar in nature and the accused caused damage to the house worth about Rs.1,90,000/-. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 25.10.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

sd/-

05/12/2022

/ TRUE COPY /

05/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
SUB JAIL, PAPANASAM..
4. THE INSPECTOR OF POLICE,
THANJAVUR TMCH POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.21351 of 2022

Date :05/12/2022

dss

USK/VR/SAR-IV/05.12.2022/3P/6C