



Crl.O.P.No.2216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

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1. Prasanth,
S/o. Palaniyappan

2. Mathan,
S/o. Arumugam

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal Dt.
(Crime No.4 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.4 of 2023 on the file of respondent police.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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3. The learned counsel for the petitioners submitted that due to previous enmity, the defacto complainant lodged the present false complaint against them. He would submit that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose and they will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 27 days from 03.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 3 accused involved in this case and the petitioners are arrayed as A1 and A2. He would submit that on the date of occurrence, due to previous dispute, the petitioners along with other accused said to have set fire on the shop of defacto complainant, thereby they caused damage to his shed, which is arrived to be a sum of Rs.25,000/-. He would also submit that if they are released



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on bail, they will tamper the witnesses and hamper the investigation.

Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances and also the fact that the investigation is almost completed, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are **directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) each into the credit of Crime No.4 of 2023 before the concerned Magistrate from the date on which the order is made ready and the defacto complainant is permitted to withdraw the said deposit amount on submission of proper identification and acknowledgement** and on such deposit, the petitioners are ordered to be released on bail on executing separate bonds 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, Kumarapalayam*, and on further conditions that::

(a) the sureties shall affix their photographs and



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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 appear before the respondent police on every Wednesday at 10.30 a.m. for the period of six weeks.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To
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- 1.The Judicial Magistrate,
Kumarapalayam.
- 2.The Inspector of Police,
Kumarapalayam Police Station,
Namakkal Dt.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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