



Crl.O.P.No.2208 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2023

CORAM :

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

Crl.O.P.No.2208 of 2023

Parasuram,
S/o. Chinnadurai

.. Petitioner

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 petitioner on bail in Crime No.4 of 2023 on the file of respondent police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER



Crl.O.P.No.2208 of 2023

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 03.01.2023 for the alleged offence under Sections 436 of I.P.C. in Crime No.4 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is running an office in the name of Sivasakthi Manal Office at Komarapalayam and he had put up thatched roof shed with tin sheet and used to stay in the shed occasionally. While being so, on 01.01.2023 at about 01.30 a.m. in the early morning, he was informed that his shed is burning with fire, thereby he went there and with the help of neighbours and fire department, the fire was doused out, however, entire roof is gutted with fire. On seeing CCTV footage, it was found that the petitioner along with other accused had set up fire on the shed, since there a previous dispute between them. Hence, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that due to



Crl.O.P.No.2208 of 2023

previous enmity, the defacto complainant lodged the present false complaint against him. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the offence. He would submit that he has been falsely implicated in this case for statistical purpose and he 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 petitioner has been suffering incarceration for more than 28 days from 03.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 3 accused involved in this case and the petitioner is arrayed as A3. He would submit that on the date of occurrence, due to previous dispute, the petitioner 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 he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also the fact



Crl.O.P.No.2208 of 2023

WEB COPY

that the investigation is almost completed, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) 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 petitioner is 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 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 appear before the respondent police on every Wednesday at 10.30 a.m.



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Crl.O.P.No.2208 of 2023

for the period of six weeks.

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

(d) the petitioner 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 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]*; and;

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

01.02.2023

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5/7



Crl.O.P.No.2208 of 2023

WEB COPY

- 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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Crl.O.P.No.2208 of 2023

T.V.THAMILSELVI, J.

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Crl.O.P.No.2208 of 2023

01.02.2023