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Crl.O.P.No.3110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.02.2023

CORAM :

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

Crl.O.P.No.3110 of 2023

Ganapathy,
S/o.Ramdoss

... Petitioner

Vs.

The State rep. by
S.H.O., Thookkanampakkam
Police Station,
Cuddalore.
(Crime No.10 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.10 of 2023 pending on the file of respondent police.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.S.Vinoth Kumar,

Govt. Advocate (Crl.Side.)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.01.2023 for the alleged offence under Sections 147, 148,



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448, 294(b), 323, 436, 506(ii) and 307 of I.P.C. r/w Sec.4 of TNPWH Act and Sec.3 of TNPPDL Act in Crime No.10 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 28.01.2023, during midnight, the petitioner along with other accused said to have entered into the house of defacto complainant, and set fire by pouring petrol over them and his vehicle and also set fire on his house, thereby they attempted to do away the life of defacto complainant, resulting in which, he sustained grievous injuries and he was admitted in hospital for treatment. Accoringly, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case 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 46 days from 29.01.2023. Hence, he prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 7 accused involved in this case and the petitioner is arrayed as A7 and there is no previous case pending against him. He would submit that on the date of occurrence, the petitioner along with other accused entered into house of the defacto complainant and set fire by pouring petrol over them and the vehicle and also set fire on his house, thereby, they attempted to do away the life of defacto complainant, due to which, he sustained grievous injuries and he was admitted in hospital and subsequently, after treatment, he was discharged from the hospital. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that the injured discharged from the hospital and no previous case pending against him and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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6. Accordingly, without prejudice to his right and contentions, the petitioner is **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) into the credit of Crime No.10 of 2023 before the concerned Magistrate from the date on which this order is made ready and the defacto complainant is permitted to withdraw the deposit amount on production of proper identification and acknowledgement** and on such deposit, 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Cuddalore**, and on further conditions that:

(a) 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;

(b) the petitioner shall before the respondent police on alternative days at 10.30 a.m. for period of two months;

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



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

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

(f) 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];

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

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To

1. The Judicial Magistrate No.1,
Cuddalore.
2. S.H.O., Thookkanampakkam Police Station,
Cuddalore.
3. The Superintendent of Prison, Central Prison, Cuddalore.



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4.The Public Prosecutor,
High Court of Madras, Chennai.

T.V. THAMILSELVI, J.

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