



Crl.O.P.No.6812 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 436 of IPC, in Crime No.40 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant S.Sathiya is that on 22.02.2023 at about 3.00 a.m., on account of matrimonial dispute, her husband/the petitioner herein had set fire on his own house and he has come out of the house, due to which, he sustained injuries and the house hold articles worth Rs.4,30,000/- were also burnt and damaged. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the earlier the petitioner was working in Qatar and he has sent Rs.20,00,000/- by way of cash and also sent 87 sovereigns of gold to his wife. However, she has given money to her



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family members and when it was questioned by the petitioner, the de facto complainant along with her family members had set fire to the petitioner's house and a false and exaggerated complaint has been given, as if the petitioner had set fire on his own house. He also submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that on account of matrimonial dispute, the petitioner had set fire on his own house and thereafter, he has come out of the house, due to which, he sustained injuries and the household articles worth Rs.4,30,000/- were also burnt into ashes. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the entire materials available on record including the FIR.



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6. Taking into consideration of the facts and circumstances of the case, the submissions made by the counsel on either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate-II, Virudhachalam**, on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety



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bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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