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CrI.O.P.No.11299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11299 of 2023

Muthukumar

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Avadi Police Station,
Avadi, Chennai.
(Crime No.281 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.281
of 2023, on the file of the respondent police.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.05.2023, in connection with Crime No.281 of 2023 registered for the



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offence punishable under Sections 436 & 506(i) of IPC, seeks bail.

2.The case of the prosecution is that on 14.04.2023, as per the defacto complainant, he is the owner of the Indane Gas Agency and the petitioner herein misappropriated a sum of Rs.40,410/- and removed from service during the year 2021 and because of the prior motive, he set fire on the office of the defacto complainant. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and due to settlement issue between the petitioner and the defacto complainant, a false complaint has been given against the petitioner. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody for the past 30 days. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.5,000/- to the District Educational Officer, Thiruvallur District and hence he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant is the owner of the Indane



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Gas Agency and the petitioner herein misappropriated a sum of Rs.40,410/- and removed from service during the year 2021 and because of the prior motive, he set fire on the office of the defacto complainant. He further submitted that the petitioner set fire of the office of the defacto complainant and caused damaged to the articles and documents worth about Rs.40,000/-. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 30 days and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- to the District Educational Officer, Poonamallee Government High School, Thiruvallur District and the petitioner has not having any bad antecedents, 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) as non-refundable deposit to the credit of the **District Educational Officer, Poonamallee Government High School, Thiruvallur District** and on such deposit, the petitioner is ordered to



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be released on bail on his executing 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 **learned Judicial Magistrate - II, Poonamallee**, 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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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can be registered under Section 229A IPC.

17.05.2023

drl

To

1. The Judicial Magistrate - II,
Poonamallee.
2. The Inspector of Police,
Avadi Police Station,
Avadi, Chennai.
3. The Superintendent, Central Prison - 2,
Puzhal Chennai.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN, J.



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