



Crl.O.P.No.12975 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.12975 of 2023

D.Dharani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Uthiramerur Police Station.

(Crime No.217 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner in Crime No.217 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.S.Muthukrishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.05.2023, for the offence punishable under Section 436 of IPC r/w 109 of IPC, in connection with Crime No.217 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that due to the trade rivalry, the petitioner/accused had induced A1 to set fire to the shop of the de-facto complainant and caused damage to the properties in the de-facto complainant's shop. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated into this case. He further submitted that the petitioner is no way connected with the alleged offence, whereas, due to the trade rivalry, a false complaint has been lodged as against the petitioner. He also submitted that the investigation in this case is almost completed and the petitioner is languishing in judicial custody from 13.05.2023 . He further submitted that the petitioner is ready to abide by any



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stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the trade rivalry, the accused had set fire to the shop of the de-facto complainant and caused damage to the properties in the de-facto complainant's shop. He also submitted that value of the damaged property is yet to be assessed. He also submitted that the investigation in this case is still pending and no previous case is pending as against the petitioner, however, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, to show her bonafide, without prejudice to her defence and contention, is ready and willing to deposit a sum of Rs.50,000/-, to the credit of crime number before the Court concerned. Therefore, he prayed to grant bail to the petitioner.



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6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration suffered by the petitioner and also considering the fact that the petitioner has volunteered to deposit a sum of Rs.50,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit a sum of Rs.50,000/- to the credit of Crime No.217 of 2023**, without prejudice to her rights and contentions, before the Court concerned and on such deposit, the petitioner is ordered to be released on bail on her executing a bond 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 District Munsif and Judicial Magistrate, Uthiramerur**, and on further conditions that:



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[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, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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 can be registered under Section 229A IPC.

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To

1. The District Munsif and Judicial Magistrate,
Uthiramerur.
2. The Inspector of Police,
Uthiramerur Police Station.
3. The Central Jail,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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