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Crl.O.P.No.13108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.13108 of 2023

and

Crl.M.P.No.8263 of 2023

Rajasekaran

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Karmathampatty Police Station
Coimbatore
(Crime No.498 of 2022)
Respondent

...

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail concerned in Crime No.498 of 2022
on the file of the respondent.

For Petitioner : Mr.S.Suresh

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 28.04.2023 for the offence punishable under **Section 436 of IPC**, in Crime No.498 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant T.R.Ramasamy is that on 19.10.2022, his Godown was set ablaze and the value of the goods damaged was Rs.45 lakhs. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he is in no way connected with the alleged offence and only on the after thought of the defacto complainant, the petitioner has been falsely implicated in this case based on a subsequent statement recorded from the defacto complainant. He further submitted that now the defacto complainant claims that the petitioner was working as a Manager in his firm and committed misappropriation of money to the tune of several Crores and in order to destroy the statement of accounts, the petitioner set fire to his Godown. He further submitted that the occurrence is said to have taken

place during the night hours on 19.10.2022 and the FIR was registered on



20.10.2022 and that there is no whisper or murmur about the alleged misappropriation by the petitioner, in the FIR. He would further submit that the petitioner has been languishing in jail from 05.05.2023 and he has no other case against him and that he is ready to co-operate for the investigation. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose for the grant of bail to the petitioner stating that on the complaint given by the defacto complainant, initially the case was registered for accidental fire and later, based on the statement given by the defacto complainant dated 23.01.2023, that the petitioner only had set fire to his Godown since, the defacto complainant had questioned the petitioner about the misappropriation of amount, the petitioner was implicated in this case and the case was altered to Section 436 IPC. Further, the defacto complainant has given a complaint of cheating as against the petitioner before the City Crime Branch and is pending enquiry.

5. The learned counsel for the Intervenor/defacto complainant would submit that initially the defacto complainant did not know that the petitioner had committed the offence and only later, he got an information that to



destroy the account books, the accused had intentionally set fire to the Godown of the defacto complainant. Hence, he vehemently opposed for grant of bail to the petitioner.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner in order to show his bonafide, is ready to deposit the original title deed of documents of immovable property worth about Rs.10 lakhs to the credit of crime number.

7. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.



9. Accordingly, the petitioner is directed to **deposit original title deeds of immovable property standing either in the name petitioner or relatives/friends, worth about Rs.10 lakhs, to the credit of Crime No.498 of 2022** and on such deposit, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate, Sulur, Coimbatore District**, 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. for a period of four weeks and thereafter, every Saturday at 10.30 a.m. until further orders.



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[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 petitioners 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.

Accordingly, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

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To

1. The Judicial Magistrate, Sulur, Coimbatore District

2. The Inspector of Police
Karmathampatty Police Station
Coimbatore

3. The Central Prison, Coimbatore

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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