

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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

Crl.O.P.No.13750 of 2023

Subaramani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Singanallur Police Station,
Coimbatore District.

(Crime No.29 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.29 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Saravanan

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.01.2023, for the alleged offences under Section 307 IPC @ 302 of IPC and 3(a) of Explosive Substances Act, 1908, in Crime No.29 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused, due to the previous enmity with regard to the money dispute, had poured diesel on the *de facto* complainant, who was in an inebriated condition and set fire, due to which, he suffered grievous burn injuries and died on 17.01.2023, without responding to the treatment. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is aged about 53 years, is an innocent person and he has been falsely implicated in this case. He also submitted that even as per the First Information Report, the deceased/victim had stated only the identification of the accused and the name of the petitioner was not stated by the deceased/victim. He further submitted that the investigation in this case has been completed and the final report has also been filed. He also submitted

that the petitioner is in custody from 14.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court and also prepared to furnish adequate sureties for his release on bail. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner, due to the previous enmity with regard to the money dispute which occurred 10 days prior to the occurrence, had poured diesel on the *de facto* complainant, who was in an inebriated condition and set fire, due to which, he suffered grievous burn injuries and died on 17.01.2023, without responding to the treatment. He also submitted that though the name of the petitioner has not been mentioned in the First Information Report, the deceased/victim had given the identification of the person who had poured diesel on him. He further submitted that the investigation in this case has been completed and the final report has also been filed before the learned Judicial Magistrate - III, Coimbatore and it is yet to be taken on file. However, he opposed for grant of bail to the petitioner.

5. 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 First Information Report.

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

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond each 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 No.III, Coimbatore**, 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 appear before the learned Judicial Magistrate No.III, Coimbatore, on all working days 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.

27.06.2023

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To

1. The Judicial Magistrate No.III,
Coimbatore.
2. The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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