



Crl.O.P.No.14762 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14762 of 2023

R.Saravanan

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Vadakkipalayam Police Station,
Coimbatore District.
Crime No.92 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail concerned in Crime No.92 of 2023 pending on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



Crl.O.P.No.14762 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.06.2023 for the offence punishable under Section 436 of IPC in Crime No.92 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.92 of 2023 for the offence under Section 436 of IPC. He was not involved in the alleged fire set to the defacto complainant's shop and consequent damage caused to the shop. He is in judicial custody from 06.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, the analysis of CCTV footage shows that, petitioner was involved in setting fire to the defacto complainant's shop and caused loss to the tune of Rs.8,000/-. Therefore, he prays for dismissal of this bail petition.



Crl.O.P.No.14762 of 2023

4. Considering the nature of the offence and facts of the case and the fact that the petitioner is in judicial custody from 06.06.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to 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-I, Pollachi** 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] Petitioner is directed to deposit a sum of Rs.8,000/- towards the damage caused during the incident, to the credit of the Crime No.92 of 2023 at the time of furnishing sureties before the learned Judicial Magistrate-I, Pollachi.



Crl.O.P.No.14762 of 2023

[c] Learned Judicial Magistrate I, Pollachi is directed to use this amount for awarding compensation to the victim under Section 357 Cr.P.C.

[d] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be



Crl.O.P.No.14762 of 2023

registered under Section 229A IPC.

04.07.2023

gd

To

- 1.The Judicial Magistrate-I,
Pollachi.
- 2.The Central Prison,
Coimbatore.
- 3.The Inspector of Police,
Vadakkipalayam Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.O.P.No.14762 of 2023

gd

Crl.O.P.No.14762 of 2023

04.07.2023