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Crl.OP.No.16233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

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

Crl.OP.No.16233 of 2023

Ushman

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
D-1, Ramanathapuram Police Station,
Coimbatore District.
(Cr.No.188 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.188 of
2023 on the file of the respondent Police.

For Petitioner : Mr.S.N.Arunkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.06.2023 for the offences punishable under Section 436 of I.P.C @
120 (B), 436 of I.P.C in Crime No.188 of 2023 on the file of the



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respondent police, seeks bail.

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2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as accused in Cr.No. 188 of 2023 for the offences punishable under Section 436 of I.P.C @ 120 (B), 436 of I.P.C. He is in judicial custody from 23.06.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that defacto-complainant is the owner of the building which was rented out to Sikkandar for running a real estate business namely Kovai Alpha Real Estate. Sikkandar had issue with first accused in connection with money dispute. In the said dispute, accused set fire to defacto-complainant's office and caused damages. The damage is worth about Rs.15,000/-.

4.Considered the rival submissions and perused the records.



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5.Considering the nature of the offence alleged in the First Information Report and that petitioner is in judicial custody from 23.06.2023, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, 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 Court-VI, 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 without prejudice to his defence shall deposit a sum of Rs.15,000/-(Rupees Fifteen Thousand only), to the credit of the Crime No.188 of 2023 before the Judicial Magistrate Court-VI, Coimbatore. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for awarding victim compensation; Payment of



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this amount will not amount to admission of guilt of the petitioner.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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To

- 1.The Judicial Magistrate Court-VI,
Coimbatore.
- 2.The Inspector of Police,
D-1, Ramanathapuram Police Station,
Coimbatore District.
- 3.Central Prison,Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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