



Crl.O.P.No.16921 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

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

Crl.O.P.No.16921 of 2023

Raja @ Karuppusamy

...Petitioner

Vs.

State rep by
The Inspector of Police,
D-1, Ramanathapuram Police Station,
Coimbatore District.
Crime No.188 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.188 of 2023 pending on the file of the respondent police, on such terms and conditions.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.07.2023 for the offences punishable under Sections 436 of IPC @ 120(B), 436, 147, 148 of IPC @ Sections 436, 120(B), 147, 148 of IPC and Section 4 of TNPPDL Act in Crime No.188 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is innocent and he has been falsely implicated in this case, in Crime No.188 of 2023 registered for the offence under Sections 436 of IPC @ 120(B), 436, 147, 148 of IPC @ Sections 436, 120(B), 147, 148 of IPC and Section 4 of TNPPDL Act. He is in judicial custody from 01.07.2023. Therefore, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that *de-facto* complainant is the owner of the building and it was rented out to Sikkandar for running a real estate business. Sikkandar had issues with A1 in connection with a money dispute. In the said dispute, accused set fire to the *de-facto* complainant's office and caused damages. The damage is worth Rs.15,000/-. This court had granted bail to A1/Ushman



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in Crl.O.P.No.16233 of 2023 on 21.07.2023.

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4. Considering the nature of the offence alleged in the First Information Report and that petitioner is in judicial custody from 01.07.2023 and that co-accused has been granted bail, this Court is inclined to grant bail to the petitioner with conditions.

5. Accordingly, this Court is inclined to grant bail to the petitioner and 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 **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.5,000/-**(Rupees Five 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



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Cr.P.C for awarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police daily 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.

31.07.2023

mpl



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To

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



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G.CHANDRASEKHARAN. J.

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