



Crl.OP.No.20479 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.20479 of 2023

Kumar,
S/o. Perumal

...Petitioner

Vs.

State represented by,
The Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.403 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.403 of 2023 pending on the file of the respondent.

For Petitioner : Ms.Sumithra Vasudevan

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2023 for the offence punishable under Section 436 of IPC in Crime No.403 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was running an old iron and scrap shop at Tharamangalam – Sankari main road. When the petitioner demanded money from the defacto complainant the defacto complainant refused the same. On the next day, the petitioner appears to have burnt the said shop. On verification of CCTV footage, the petitioner was identified. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) stated that the petitioner had demanded money from the defacto complainant and when he refused to give money, the petitioner has burnt the shop. He further stated that the petitioner has no previous case against him. However, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances and also taking note of the fact that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.403 of 2023 before the Judicial Magistrate, Omalur and on such deposit, the petitioner is ordered to be released on bail on condition to execute 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



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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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakh only) to the credit of Crime No.403 of 2023 before the Judicial Magistrate, Omalur.

[c] The Judicial Magistrate may return back Rs.1,00,000/- (Rupees One Lakh only) to the defacto complainant and detain another Rs.1,00,000/- (Rupees One Lakh only) on the finality of the trial, if it ends in acquittal, return the amount to the petitioner herein and if it is ends in conviction, paid back the same to the defacto complainant.

[d] the petitioner shall report before the respondent police everyday 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



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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 registered under Section 229A IPC.

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ata/mps

To

1. Judicial Magistrate, Omalur.

2. Central Prison,
Salem.

3. The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN. J.

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