



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

PRESENT

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

CRL.O.P(MD)No.330 of 2023

C.Santhosh Kumar

... Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
(in Cr.No.1 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.1 of 2023.

For Petitioner : Mr.T.Palanisamy, Advocate

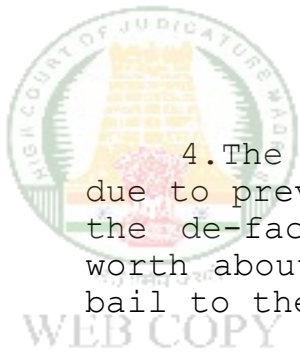
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 436 of IPC in Crime No.1 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 01.01.2023 at about 11.30 am, the petitioner has entered into the house of the de-facto complainant with petrol can and knife and set fire with an intention to destroy the fridge, fan and other household articles. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner and the de-facto complainant are siblings and due to a wordy quarrel, a false complaint has been given. He would further submit that without prejudice to his contention, the petitioner is ready and willing to deposit a sum of Rs.20,000/- to the credit of crime number.



4.The learned Government Advocate (Crl.side) would submit that due to previous enmity, the petitioner has entered into the house of the de-facto complainant and set fire to the household articles worth about Rs.20,000/-. He would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of Rs.20,000/- to the credit of crime number and on production of receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirumangalam, Madurai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

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

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC.



7. Merely because, the petitioner has deposited the amount as mentioned above, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.330 of 2023
Date : 06/01/2023

USK/SSS/SAR-I/19.01.2023/3P/5C