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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2812 of 2023

Kalidass

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai Distrit
(Crime No.13 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Saranya.D,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

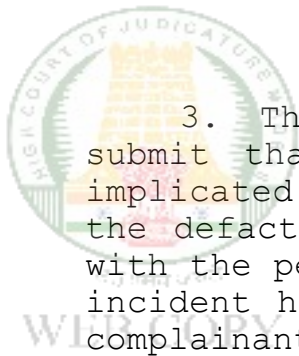
PRAYER :-

For Bail in Crime No.13 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 09.01.2023 for the offences under Sections 447,294(b),436 and 506(ii) of IPC in Crime No.13 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that during 2020 while the defacto complainant was living abroad the accused had given trouble to the wife of the defacto complainant and in that regard she gave complaint before the concerned police and First Information Report was also registered. Even thereafter the accused created trouble, whileso on 07.01.2023 at about 3.00 am., the accused trespassed into the house of the defacto complainant and set fire to the two wheeler, washing machine and other household artilces belonging to the defacto complainant and when the same was questioned the accused threatened the defacto complainant with dire consequences and also threatened that he will kidnap the wife of the defacto complainant, hence the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case as an accused. He would further submit that the defacto complainant suspecting that his wife was having affair with the petitioner had preferred this false complaint. The alleged incident had happened when there was a quarrel between the defacto complainant and his wife and they have shifted the blame on the petitioner. He would further submit that the petitioner is in custody from 09.01.2023 and major part of the investigation is over. He would also submit that now the petitioner is ready to deposit a sum of Rs.15,000/- to the credit in crime number without prejudice to his rights and defence and he prayed for bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that earlier the petitioner misbehaved with the wife of the defacto complainant and on the complaint given by the wife of the defacto complainant the petitioner was arrested and later released on bail and subsequently the petitioner had again harassed the defacto complainant and quarrelled with him and also caused damage to the two wheeler and other household articles worth about Rs.1,31,000/- hence he objected to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the voluntary offer made by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, 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, Aranthangi, Pudukottai District and on further conditions that:

[b] 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.

(c) the petitioner shall deposit a sum of Rs.15,000/- to the credit in Crime number 13 of 2023, without prejudice to his rights and defence before the Judicial Magistrate, Aranthangi, Pudukottai District and the learned Magistrate shall disburse the amount at the end of the trial.

[d] the petitioner shall stay at Chennai and report before the Police station daily at 10.30 am., until further orders.



[e] the petitioner shall not commit any offences of nature.

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

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

[h] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

15/02/2023

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15/02/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE, ARANTHANGI, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, ARANTHANGI, PUDUKKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE, ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE, KOYAMBEDU POLICE STATION,
CHENNAI.

ORDER IN

CRL OP(MD) No.2812 of 2023

Date :15/02/2023