



CRL OP(MD). No.18784 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18784 of 2023

S.Esakkipandi

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sathankulam Police Station,
Tuticorin District
Crime No.176/2023.

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar, Advocate
for Mr.P.Praveenkumar, Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.176/2023 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 05.10.2023 for the alleged offence punishable under Section 436 of IPC in Crime No.176 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has set fire to the house of the



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defacto complainant and caused damage worth about Rs.60,000/- Hence the case.

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3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 05.10.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner has set fire to the house of the defacto complainant and caused damage worth about Rs.60,000/- hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Sathankulam and on further



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conditions that:

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(i) the petitioner shall appear before the trial Court on every Monday at 10.30 a.m., until further orders;

(ii) the petitioner shall not tamper with evidence or witness;

(iii) the petitioner shall not abscond during trial.

(iv) 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].

(v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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15/12/2023

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

AAV



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TO

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1 THE JUDICIAL MAGISTRATE, SATHANKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PERURANI.

4 THE INSPECTOR OF POLICE, SATHANKULAM POLICE STATION,
TUTICORIN DISTRICT.

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

+1 CC to M/s.P.PRAVEEN KUMAR, Advocate (SR-17878[I] dated 15/12/2023)

ORDER

IN

CRL OP(MD) No.18784 of 2023

Date :15/12/2023

RS//SAR-(15.12.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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