



Crl.O.P.No.629 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioner/Accused, who apprehends arrest at the hand of the respondent police for the offence punishable under Sections 294(b), 427, 506(ii) and 387 of I.P.C in Crime No.379 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and his family had quarrelled with petitioner. On 28.08.2021, the petitioner's men set fire to a hut situated in petitioner's land and because of that the thatched hut of the de-facto complainant's land was also burnt. 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. Hence, the petition has been filed seeking anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are totally 5 accused and one of the accused had been arrested and had been released on bail on 03.11.2023. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The earlier application seeking anticipatory bail was dismissed on 07.11.2023 in CrI.O.P.No.23194 of 2023. A status report had been filed on behalf of the respondent with respect to the investigation, wherein, they have stated that they had recorded the statement of ten witnesses. Therefore, the investigation had progressed to a substantial extent.

6. It is the grievance of the learned counsel for the defacto complainant that quite apart from setting fire to the Tarpaulin hut and tyre, the Accused had also snatched away the mobile phone of the defacto complainant, in which, the video was recorded about the entire incident. It is seen that the investigation had also been conducted to that extent.



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7. Taking all the factors into consideration, this Court is inclined to

grant anticipatory bail to the Petitioner with certain conditions that **the petitioner herein is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.379 of 2021 before the learned Judicial Magistrate No.1, Sankagiri, Salem District and on such deposit, the learned Judicial Magistrate No.1, Sankagiri, Salem District may transfer the said amount to an interest earning Fixed Deposit account and pass final orders at the time of conclusion of trial. The respondent may endeavour to complete their investigation and file a final report as expeditiously as possible. It also depends on securing the Accused A4 and A5 and subjecting them to the judicial process.** Accordingly, 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 No.1, Sankagiri, Salem District**, 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



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stand dismissed and on further conditions 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 herein is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.379 of 2021 before the learned Judicial Magistrate No.1, Sankagiri, Salem District and on such deposit, the learned Judicial Magistrate No.1, Sankagiri, Salem District may transfer the said amount to an interest earning Fixed Deposit account and pass final orders at the time of conclusion of trial. The respondent may endeavour to complete their investigation and file a final report as expeditiously as possible. It also depends on securing the Accused A4 and A5 and subjecting them to the judicial process.

[c] the petitioner shall report before the respondent daily at 10.30 a.m., until further orders.

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



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[e] the petitioner shall not abscond 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.

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