



Crl.O.P.No.3476 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

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

Crl.O.P.No.3476 of 2024

1.Arulprakash
2.Gopinath
3.Elaiyaraja
4.Ranjith

...Petitioners

Vs.

State represented by
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
(Crime No.39 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in in Crime No.39 of 2024 on the file of the respondent Police.

For Petitioners : Mr.Swami Subramanian
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioners who are arrayed as A1 to A4 in Crime No.39 of 2024 registered by the respondent Police for the offences under Sections 294(b), 436 and 506(i) of IPC, seek bail.

2.The petitioners 1 and 2 had been remanded to custody on 30.01.2024 and the petitioners 3 and 4 had been remanded to custody on 29.01.2024.

3.It is the case of the prosecution that when the son of the defacto complainant along with A3 and another person Ramesh had gone to Trichy in Tata Ace vehicle loaded with onion, they met with an accident. Therefore, A1 and A2 went over to the house of the defacto complainant and abused her and stated that her son was responsible for the accident and then they set fire to the hut of the defacto complainant.

4.This Court wanted to know the cost of the damages which had been suffered by the defacto complainant.

5. A report had been filed that it is about Rs.30,000/-.

6. Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:



7. Accordingly, the petitioners are ordered to be released on bail on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruthuraipoondi 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[c] the petitioners shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the credit of Crime No.39 of 2024 before the trial Court. On such deposit, the learned Judicial Magistrate, Thiruthuraipoondi, may hand over to the entire amount of Rs.30,000/- to the defacto complainant. By deposit of that amount does not mean that the petitioner admit to any of the allegations. The defacto complainant is also at liberty to seek further damages in the manner known to law if at all he is entitled for the same.



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[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

20.02.2024

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To

1. The Judicial Magistrate, Thiruthuraipoondi
2. The Sub Jail, Mannargudi.
3. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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