



Crl.O.P.No.22411 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.22411 of 2024

Raja @ Rajappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
(Crime No. 207 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.207 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.08.2024, for the alleged offence punishable under Section 109 of BNS
Act, in Crime No.207 of 2024, on the file of the respondent police, seeks



bail.

2. The case of the prosecution, as per the de-facto complainant, is that, she works in a ration shop, and the petitioner, who is the neighbour of the defacto complainant, usually scolds her about her conduct and behaviour. On 03.08.2024 at about 11.00 a.m., the mother of the defacto complainant called her on the phone and informed her that someone had set fire to the dress of the defacto complainant's daughter. When she asked her daughter about the incident, she replied that while playing with the petitioner's grand son, the petitioner had set fire to her dress, causing severe burn injuries to her. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged 64 years, has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



CrI.O.P.No.22411 of 2024

respondent police submitted that the petitioner, who is the neighbour of the defacto complainant, a widow lady working in a ration shop, usually scolds her about her conduct and behaviour. On the date of the alleged occurrence, when the defacto complainant's daughter, aged 8 years, was playing with the petitioner's grand son, at that time, the petitioner set fire to her dress, causing severe burn injuries. She was admitted to the hospital and later discharged. He further submits that the petitioner has no previous case, pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, nature of offence, injured was discharged from the hospital and also considering the medical report of the victim, and considering the period of incarceration undergone by the petitioner, and the petitioner has no previous cases pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on



Crl.O.P.No.22411 of 2024

his executing 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 Judicial Magistrate No.I, Krishnagiri, and on further conditions that:-

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

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



CrI.O.P.No.22411 of 2024

Kerala [(2005)AIR SCW 5560]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.09.2024

drl

To

- 1.The Judicial Magistrate No.I,
Krishnagiri.
- 2.The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
- 3.The Superintendent,
District Prison, Krishnagiri.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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Crl.O.P.No.22411 of 2024

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20.09.2024