



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28114 of 2024

Deena @ Dheenadhayalan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pathirivedu Police Station,
Tiruvallur.

(Crime No.382 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act,
pleased to enlarge the petitioner on bail in Crime No.382 of 2024 on the file
of the respondent police.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate
(Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 03.10.2024 seeking
bail in Crime No.382 of 2024 registered for the offence under Sections
296(b), 326(g), 351(2) of BNS r/w 4 of TNPHW Act, 2002.



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2. The case of the prosecution is that for the refusal of the defacto complaint to give tobacco products, on 02.10.2024 at about 8.00 p.m., the petitioner has set fire to the defacto complainant's shop, resulting in the defacto complainant sustaining the loss to the tune of Rs.10,00,000/-. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given based on the suspicion. He further submitted that the petitioner has been in custody from 03.10.2024 and a major part of investigation is over. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (CrI. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner has set fire to the defacto complainant's shop and caused damages to the tune of Rs.10,00,000/-. He further submitted that the petitioner is having one previous case against him.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that only based on a suspicion, the complaint has been lodged and that the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate Court, Gummidipoondi**, 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 petitioner shall report respondent police everyday at 06.30 p.m., until further orders.

[c] the petitioner shall not abscond during trial



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and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] 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]***;

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

12.11.2024

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To

1. The District Munsif cum Judicial Magistrate, Gummidipoondi.
2. The Inspector of Police,
Pathirivedu Police Station,
Tiruvallur.
3. Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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