



CRL OP(MD). No.4461 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4461 of 2024

Prabakaran

... Petitioner/ Accused No.1

Vs.

The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No.72 of 2024.

... Respondent/Complainant

For Petitioner : Mr.R.Balamuruganantham, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.72 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / A1, who was arrested and remanded to judicial custody on 29.02.2024 for the offence punishable under Sections 436 IPC in Crime No.72 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 29.02.2024, due to previous motive, the petitioner along with other accused persons set on fire the shed of the defacto



CRL OP(MD). No.4461 of 2024

complainant. Hence the complaint.

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3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in the case. He would further submit that the petitioner was arrested and remanded to judicial custody on 29.02.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the defacto complainant before the trial Court. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the co-accused was granted bail by this Court in Crl.O.P (MD) No.4173 of 2024. Further, the petitioner along with other accused persons set on fire the defacto complainant's shed and damaged the fishing net articles, worth about Rs.50,000/-. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and the co-accused was enlarged on bail by this Court, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL OP(MD). No.4461 of 2024

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6. Accordingly, the petitioner is ordered to be released on bail on 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 learned Judicial Magistrate No.I, Ramanathapuram, Ramanathapuram District, 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) as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the defacto complainant and the produce the same before the concerned trial Court and on such production, the concerned learned Judicial Magistrate shall disburse the same to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(c) the petitioner is directed to appear before the respondent Police at 10.30 A.M, for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.4461 of 2024

(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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/03/2024

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22/03/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu
TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.



CRL OP(MD). No.4461 of 2024

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

ORDER
IN

CRL OP(MD) No.4461 of 2024

Date :22/03/2024

RS//SAR-(22.03.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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