



CrI.O.P.(MD) No.23532 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CrI.O.P.(MD) No.23532 of 2023

Dinesh Kumar

... Petitioner/ 3rd Accused

Vs

State Rep. by
The Inspector of Police,
Abhiramam Police Station,
Ramanathapuram.
(Crime No.253 of 2023)

... Respondent/Complainant

For Petitioner : Mr.R.VIGNESH, Advocate

For Respondent : Mr.THANGA ARAVINIDH
Government Advocate (CrI.Side)

PRAYER: Criminal Original Petition filed under Section 438 of 'the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioner/ A3 in Crime No.253 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974)' praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 294(b), 323 and 506(2) of the Indian



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Penal Code, 1860 (Act No.45 of 1860) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 (Act No.44 of 1998) in Crime No.253 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that on 23.12.2023 at about 08.00 a.m, the petitioner along with the other accused teased the defacto complainant, therefore, the defacto complainant lodged a complaint and that due to it on 23.12.2023 at about 04.00 p.m, when the defacto complainant and his wife returning to home, the petitioner along with the other accused waylaid the defacto complainant and his wife and uttered obscene words and assaulted with wooden log and beer bottle and caused injuries to the defacto complainant. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is pursuing his degree and that the injured has been discharged from the hospital. Accordingly, he therefore prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent-police submitted that the petitioner along with the other accused assaulted the defacto complainant with wooden log and beer bottle, caused injuries to defacto complainant and scolded with obscene words. He further submitted that the injured



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has been discharged from the hospital. However, he prayed to dismiss this Criminal
Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Perusal of FIR shows that the petitioner along with the other accused attacked the defacto complainant with wooden log and beer bottle and caused injuries to defacto complainant. The injured was admitted in the hospital on 23.12.2023 and got discharged on 27.12.2023.

8. Considering the above facts and circumstances of the case and considering the fact that the petitioner is pursuing his degree; that he has permanent residence; and that the injured has been discharged from the hospital, this court grants an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate Court, Kamuthi, Ramanathapuram District, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- to the satisfaction of the learned Judicial Magistrate Court, Kamuthi, Ramanathapuram;

(ii) The petitioner shall appear and sign before respondent police daily at



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5 p.m, until further orders;

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(iii) the petitioner should not enter into the defacto complainant's residence and his/her work place;

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(v) The petitioner shall make himself available for interrogation by police as and when required;

(vi) 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;

(vii) The petitioner shall not leave India without the prior permission of jurisdictional Judicial Magistrate Court/Trial Court; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO
1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
ABHIRAMAM POLICE STATION,
RAMANATHAPURAM.

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

+1 CC to M/s.R.VIGNESH, Advocate (SR-18409[I] dated 28/12/2023)

ORDER IN
CRL OP(MD) No.23532 of 2023
Date :28/12/2023

SA/VR/SAR. /04.01.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.