



Crl.O.P.(MD) No.23561 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

Crl.O.P.(MD) No.23561 of 2023

Sasikumar

... Petitioner / Sole Accused

Vs

State through the Inspector of Police,
Subramaniapuram Police Station,
Madurai City.
(Crime No.566 of 2023)

... Respondent/Complainant

For Petitioner : M/s.C.Geetha, Advocate

For Respondent : Mr.Thanga Aravinidh
Government Advocate (Crl.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 in Crime No.566 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

<https://www.mhc.tn.gov.in/judis>



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 324 of the Indian Penal Code, 1860 (Act No.45 of 1860) and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998 (Tamil Nadu Act No.44 of 1998) in Crime No.566 of 2023 on the file of the respondent police.

3. The case of the prosecution is that the petitioner borrowed a sum of Rs.3,00,000/- and the same was not repaid by the petitioner. Therefore, on 23.11.2023 at about 09.00 p.m, the defacto complainant approached the petitioner, at that time, the petitioner attacked the defacto complainant and her husband and caused injuries to her. Hence, the case.

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



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5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that petitioner and the defacto complainant had money transaction and thereby had disputes regarding the same, on 23.11.2023 at about 09.00 p.m., petitioner attacked the defacto complainant and caused injuries to her. He further submitted that the injured has been discharged from the hospital. If pre-arrest bail order is granted, the petitioner would cause threat to defacto complainant, accordingly, he objected to the petition.

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

7. Bare perusal of FIR shows that petitioner and the defacto complainant had money disputes and due to the said disputes, the petitioner attacked the defacto complainant and caused injuries to her. The injured was admitted in the hospital on 23.11.2023 and discharged on 25.11.2023.

8. The petitioner has permanent residence. Defacto complainant/injured has discharged from the hospital. Considering the nature of the disputes and injury allegedly caused by the petitioner to the defacto complainant, this Court is of the view that custodial interrogation of the petitioner may not necessary in this case.

Hence, this court is inclined to grant an order of pre-arrest bail to the petitioner



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subject to the following conditions.

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(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 No.IV, Madurai, within a period of 15 days from today, on 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.IV, Madurai.

(ii) The petitioner shall appear and sign before respondent police weekly twice (i.e) on every Monday and Friday at 10.30 a.m., until further orders.

(iii) 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;

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

(v) The petitioner shall not, directly or indirectly, make any inducement, threat



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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;

(vi) The petitioner shall not leave India without the prior permission of the Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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].

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.

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TO

1.The Judicial Magistrate No.IV, Madurai.



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2.Do through the Chief Judicial Magistrate,
Madurai.

3.Inspector of Police,
Subramaniapuram Police Station,
Madurai City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-29[I] dated 02/01/2024)

ORDER
IN
CRL OP(MD) No.23561 of 2023
Date :28/12/2023

RK/DD (03/01/2024) 6P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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