



Crl.O.P.(MD) No.23593 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 29.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Silambarasan @ Baskaran

2.Manojpandi

... Petitioners/ Accused Nos.2 & 3

Vs

The State rep by  
The Inspector of Police,  
Annavaasal Police Station,  
Pudukottai District.  
(In Crime No.324 of 2023)

... Respondent/Complainant

For Petitioners : Mr.Banu Prasath, Advocate  
for Mr.V.Selvakumar, Advocate

For Respondent : Mr.M.Veeranthiran,  
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 petitioners /A2 & A3 in Crime No.324 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 petitioners 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.



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2. The petitioners/ A2 & A3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(2) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.324 of 2023 on the file of the respondent police.

3. The case of the prosecution is that on 21.12.2023, at about 03.00 p.m, when the defacto complainant was in his rice-mill, the petitioners along with other accused went there and consumed alcohol besides his rice-mill; and that when the same was questioned by the defacto complainant, they abused the defacto complainant in filthy language and attacked him with iron rod and caused injuries to him. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that it is a 'cases in counter'; that in the said occurrence, the defacto complainant also attacked the first petitioner with iron rod and caused injury; that, hence, counter case has been registered in Crime No.325 of 2023 against the defacto complainant; and that no previous case is pending against the petitioners. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that totally 3 persons involved in this case; that the petitioners herein are



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A2 & A3; that A1 was arrested and is in judicial custody; He further submitted that this Crime No.324 of 2023 and Crime No.325 of 2023 are 'cases in counter'; that the injured persons were admitted in the hospital on 21.12.2023 and discharged on 24.12.2023; and that no previous case is pending against the petitioners.

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

7. This case and Crime No.325 of 2023 are 'cases in counter'. The case of the prosecution is that the petitioners along with other accused consumed alcohol besides the rice-mill of the defacto complainant; that when the same was questioned by the defacto complainant, there arose dispute between the petitioners and the defacto complainant; the injured were admitted in the hospital on 21.12.2023 and discharged on 24.12.2023. This Court was informed that the petitioners caused simple injuries to the defacto complainant.

8. Considering the above facts and circumstances of the case, the nature of the offence alleged by the petitioners and also considering the fact that this case and Crime No.325 of 2023 are 'cases in counter' this court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned **Judicial Magistrate, Illupur, Pudukkottai District**, within a period of 15 days from today, on executing a bond



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for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, along with two

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sureties each for a like sum of Rs.20,000/- to the satisfaction of the learned **Judicial**

**Magistrate, Illupur, Pudukkottai District;**

(ii) The petitioners shall appear and sign before the **respondent police, daily at 10.00 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 petitioners shall make themselves available for interrogation by police as and when required;

(v) The petitioners 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;

(vi) The petitioners shall not enter into the defacto complainant's house and workplace; and

(vii) The petitioners shall not leave India without the prior permission of the trial Court; and



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(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners 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/-  
29/12/2023

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE,  
ILLUPUR, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
ANNAVASAL POLICE STATION,  
PUDUKOTTAI DISTRICT.



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

ORDER  
IN  
CRL OP(MD) No.23593 of 2023  
Date :29/12/2023

SS/JGB/SAR- /03/01/2024/6P/5C

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