



Crl.O.P.(MD) Nos.23610 and 23627 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) Nos.23610 and 23627 of 2023

N.Pasumpon

... Petitioner / Accused No.4
in Crl.O.P(MD).No.23610 of 2023

1.Muthupandi @ Pandi

2.Lakshmi

... Petitioners / Accused Nos.1 and 2
in Crl.O.P(MD).No.23627 of 2023

Vs

State Rep. by
The Inspector of Police,
Austinpatti Police Station,
Madurai District.
(Crime No.314 of 2023)

... Respondent/Complainant
in both Crl.O.Ps

For Petitioner : Mr.S.Barathi, Advocate
(In Crl.O.P(MD).No.23610 of 2023)

For Petitioners : Mr.S.Ramesh Kumar, Advocate
(In Crl.O.P(MD).No.23627 of 2023)

For Respondent : Mr.Thanga Aravinidh
Government Advocate (Crl.Side)
(In both Crl.O.Ps)



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COMMON PRAYER:

Criminal Original Petitions 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/A1, A2 and A4 in Crime No.314 of 2023 on the file of the respondent police.

ORDER : The Court made the following common order :-

These Criminal Original Petitions have been filed by the petitioners on 26.12.2023 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) [henceforth 'Cr.P.C.'] praying to grant an order of pre-arrest bail.

2. The petitioners, apprehend arrest at the hands of the respondent-police for the alleged punishable offences under Sections 341, 294(b), 354, 323 and 506(2) of the Indian Penal Code, 1860 (Act No.45 of 1860) [henceforth 'IPC'], and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 [henceforth 'TNPHW' Act], in Crime No.314 of 2023, on the file of the respondent-police.

3. The case of the prosecution is that on 18.12.2023 at about 07.00 p.m, when the defacto complainant went to the petitioners' colony to collect drinking water, the petitioners along with the other accused waylaid the defacto complainant and attacked her with hands and caused injuries to her. Hence, the case.



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4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners also given a complaint against the defacto complainant and the same was registered in Crime No.149 of 2023 for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC and Section 4 of TNPHW Act and Sections 3 (1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act No.33 of 1989). 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-police submitted that the petitioners along with the other accused attacked the defacto complainant using hand and caused injuries to her. He further submitted that the injured 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. Bare perusal of FIR shows that the petitioners along with the other accused attacked the defacto complainant using hands and caused injuries to her. The injured



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was admitted in the hospital on 18.12.2023 and got discharged on 21.12.2023.

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8. Considering the above facts and circumstances of the case and the fact that the petitioners have permanent address and that the counter case has been registered against the defacto complainant and others and also the fact that the injured has been discharged from the hospital, this Court grants 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 Court, Thirumangalam, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate Court, Tirumangalam.

(ii) The petitioners shall appear and sign before respondent police twice in a week (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 petitioners shall make themselves available for interrogation by police

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as and when required;

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(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/her from disclosing such facts to the Court or to any police officer;

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

(vii) 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/-
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, Tirumangalam, Madurai District.

2.Do through the Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
Austinpatti Police Station, Madurai District.

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

+1. CC to S. BHARATHI Advocate SR.No.18413

ORDER
IN

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Date :28/12/2023

RK/DD (03/01/2024) 6P / 6C

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