



Crl.O.P.(MD) No.23633 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.23633 of 2023

1.Uma Shankar
2.Balasaravana Kumar
3.Ponnuchamy

... Petitioners / Accused Nos.1 to 3

Vs

The State Rep by
The Inspector of Police
Vadamadurai Police Station,
Dindigul District.
(Crime No.414 of 2023)

... Respondent/Complainant

For Petitioners : Mr.S.Lawrence Vimal Raj, Advocate

For Respondent : Mr.B.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 petitioners A1 to A3 in Crime No.414 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 / Accused Nos.1 to 3, apprehend 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 Tamil Nadu Prohibition of Harassment of Women Act, 1998 (Act No.44 of 1998), in Crime No.414 of 2023 on the file of the respondent Police.

3. The case of the prosecution is that on 07.12.2023, the *defacto* complainant's husband drove the car bearing registration No.TN-58-AJ-9651 and dashed against one Gunalan, who is the brother of the first petitioner and that due to the said incident, the petitioners along with the other accused went to the defacto complainant's house and uttered filthy language against the defacto complainant's husband. When the defacto complainant questioned the petitioner, they inflicted injuries to defacto complainant. Hence, the case.

4. The learned counsel for the petitioners submitted that due to previous enmity, the defacto complainant foisted a false case against the petitioners. He further submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and also submitted that it is a case in counter. 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-



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Police submitted that the *defacto* complainant sustained simple injury and got discharged from the hospital. He further submitted that it is a case in counter and if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and her family members. Hence, he prayed to dismiss this Criminal Original Petition.

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

7. It appears that due to previous enmity the petitioners went to the defacto complainant's house and assaulted the defacto complainant and caused injuries to her and the injured has been discharged from the hospital.

8. Considering the nature of the dispute between petitioners and the defacto complainant, the nature of the injury allegedly caused by the petitioners to the defacto complainant and also the fact that it is a 'case in counter', this court is inclined to grant an order of pre-arrest bail to the petitioners with conditions. Accordingly, Pre-arrest bail is granted 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 District Munsif cum Judicial Magistrate, Veda sandur within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each



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for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Vendasandur.

(ii) The petitioners shall appear and sign before respondent Police, daily at 05.00 p.m., until further orders;

(iii) The petitioners should not enter into the defacto complainant's house or his 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 District Munsif cum Judicial Magistrate, Vendasandur, shall obtain a copy of any one of identity proofs to ensure their identity;

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

(vi) 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;

(vii) The petitioners shall not leave India without the prior permission of the 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 petitioners



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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.

TTA
TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDASANDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.LAWRENCE VIMAL RAJ, Advocate (SR-18416[I] dated 28/12/2023)



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ORDER
IN
CRL OP(MD) No.23633 of 2023
Date :28/12/2023

SS/VR/SAR- /05/01/2024/6P/6C

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