



Crl.O.P.No.10808 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.10808 of 2024

Rajesh
S/o.Thaiyan

... Petitioner/
Accused

Vs.

The State rep. by
The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
(Crime No.Not Known of 2024)

...Respondent/
Complainant

PRAYER: The Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.Not Known of 2024 on the file of the respondent police.

For Petitioner : Mr.Muthamizh Selvakumar. P

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)

ORDER



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This Criminal Original Petition has been filed by the petitioner on 26.04.2024 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 was apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.57 of 2024 on the file of the respondent police.

3. According to the petitioner, on 21.04.2024, he received a call from a person stating that he is an officer of the respondent Police Station and informed him to come to the station for enquiry. When the petitioner asked about the details of the cases, he threatened him with dire consequences.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to the wordy quarrel between



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the petitioner and the defacto complainant, the petitioner attacked the defacto complainant with knife in which, the defacto complainant sustained minor injuries. The injured was admitted in the hospital and discharged from the hospital on the same day.

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

7. Considering the facts and circumstances of the case, the nature of the offences; and that the petitioner has permanent residence and deep roots in the society; there is less possibility of absconding; and that the injured has been discharged from the hospital; and with a view to give one more opportunity to reform himself, this Court is inclined to grant 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 No.II, Manargudi**, 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 No.II, Manargudi**.

(ii) **The petitioner shall appear and sign before the respondent**



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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 petitioner shall furnish his residence address and mobile number to the learned **Judicial Magistrate No.II, Manargudi;**

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

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

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



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Index : Yes/No
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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

- 1.The Judicial Magistrate No.II,
Manargudi.
- 2.The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
- 3.The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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