



Crl.O.P.No.10916 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**

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1. Beaula
W/o.Harikishore
2. Harikishore
S/o.Srinivasan
3. Velankanni
W/o.Bakiyaraj

... Petitioners/
Accused Nos. 1 to 3

Vs.

The State rep. by
The Inspector of Police,
S-7 Madipakkam Police Station,
Chennai.
(Crime No.38 of 2024)

...Respondent/
Complainant

PRAYER: The Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.38 of 2024 on the file of the respondent police.



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For petitioners : Mr.V.Vivek
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners on 29.04.2024 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 petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 420, 427, 506(i) of IPC r/w Section 4 of TNPHW Act in Crime No.38 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioners are tenants under the defacto complainant. Due to the landlord and tenants dispute, the petitioners picked up a quarrel with the defacto complainant and also assaulted her. Hence the case.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have permanent residence and therefore, prayed to grant



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anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to landlord and tenants dispute, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners had assaulted the defacto complainant. He further submitted that there is no previous case against the petitioners.

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

7. It appears that it is a landlord and tenant dispute between the petitioners and the defacto complainant and on the date of occurrence, there was a wordy quarrel between them. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. There was no previous case against the petitioners. Hence, with a view to give one more opportunity to reform themselves, 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 his surrender before the **learned Judicial**



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Magistrate No.II, Alandur, within a period of 15 days from today, on executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, along with two sureties each for a like sum of Rs.15,000/- to the satisfaction of the **learned Judicial Magistrate No.II, Alandur**.

(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 No.II, Alandur** shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residence address and mobile number to the concerned Judicial Magistrate

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



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(vi) The petitioner 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 them from disclosing such facts to the Court or to any police officer;

(vii) The petitioner shall not enter into the victim's house or her place;

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

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

(x) 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***



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Kerala [(2005) 13 SCC 283].

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

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Index : Yes/No
Internet : Yes/No
Neutral citation : 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.**



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R.SAKTHIVEL. J.

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To

- 1.The Judicial Magistrate No.II,
Alandur.
- 2.Do Through the Chief Judicial Magistrate,
Chennai.
- 3.The Inspector of Police,
The Inspector of Police,
S-7 Madipakkam Police Station,
Chennai.
- 4.The Public Prosecutor, High Court of Madras.

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