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Crl.O.P.No.11590 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Criminal Jurisdiction]

Wednesday, the Fifteenth day of May Two Thousand and Twenty Four

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11590 of 2024

Balraj

... Petitioner / Single Accused

Vs

State rep. by the
Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
(Crime No.241 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Chakkaravarthy

For Respondent : Mr.C.E.Pratap
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 petitioner in Crime No.241 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on

07.05.2024 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, apprehends arrest at the hands of the respondent police for the alleged offences under Sections 323, 506(i) of IPC and Section 4 of TNWPH Act in Crime No.241 of 2024 on the file of the respondent Police.

3.The case of the prosecution is that on 09.04.2024 there was a wordy quarrel between the petitioner and the defacto complainant with respect to spillage of drainage water. During the quarrel, the petitioner abused, attacked and threatened the defacto complainant. Hence, the case.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

5.The learned Government Advocate (Crl.side) appearing for the



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respondent-Police opposed for grant of pre-arrest bail to the petitioner by stating that the petitioner attacked the defacto complainant. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides.

7. Considering the facts and circumstances of this case, 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 V-Metropolitan Magistrate Court, Egmore, Chennai within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousands only) along with two sureties each for a like sum to the satisfaction of the learned V-Metropolitan Magistrate Court, Egmore, Chennai;

(ii) The petitioner shall appear and sign before 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 Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make himself available for



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interrogation by police as and when required;

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

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

(vii) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner 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].

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

15.05.2024

kkn/smv



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Note:-

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- 1.The V Metropolitan Magistrate Court, Egmore, Chennai - 08.
- 2.Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
- 3.The Public Prosecutor,
Madras High Court.



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R.SAKTHIVEL, J.

kkn/smv

Order in
Crl.O.P.No.11590 of 2024

Date : 15.05.2024