



Crl.O.P.No.11790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1. Sathiyavathi
W/o.Harikrishnan
 2. Harikrishnan
S/o.Sundaresan
 3. Sathish @ Sathishkumar
S/o.Harikrishnan
 4. Jagadeshwaran
S/o.Harikrishnan
- ... Petitioners/ Accused 1 to 4

Versus

State rep. by
The Inspector of Police,
Minjur Police Station,
Thiruvallur District.
(Crime No.254 of 2024)

... Respondent/Complainant

PRAYER:

Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to enlarge the petitioners on bail in the event of their arrest in Crime No.254 of 2024 pending on the file of the respondent.



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For Petitioners : Mr.Camyles Gandhi W.
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

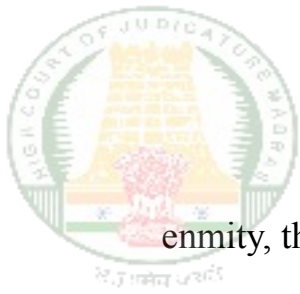
ORDER

This Criminal Original Petition has been filed by the petitioners on 13.05.2024 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 petitioners/ A1 to A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(2) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.254 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 27.04.2024, when the *de facto* complainant, who is working as Security, went to see his damaged house roof tile, the first petitioner scolded him using filthy language and other petitioners herein assaulted him using weapons, due to which, the *de facto* complainant sustained injuries and was admitted in Stanley Hospital. Hence, the case.

4. The learned counsel for the petitioners submitted that due to previous



enmity, the *de facto* complainant foisted a false case against the petitioners. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and also submitted that it is a case in counter. He further submitted that petitioners 3 and 4 are college students. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.

5.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner and the *de facto* complainant are neighbours. He further submitted that due to a wordy quarrel which turned into a physical altercation between the petitioners and the *de facto* complainant, the *de facto* complainant sustained simple injuries and got admitted in the hospital on 29.04.2024 and got discharged from the hospital on 02.05.2024. 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 *de facto* complainant and his family members. Hence, he prayed to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and there is less possibility



of absconding. It appears that due to previous enmity the petitioners assaulted the *de facto* complainant and caused injuries to him and the victim has been discharged from the hospital.

8. Considering the above facts and circumstances of the case, the nature of the offences alleged to have been committed by the petitioners and also the fact that it is a 'case in counter' and also with a view to give an 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 their surrender before the **Judicial Magistrate-II Court, Ponneri**, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, along with two sureties each for a like sum of Rs.10,000/- to the satisfaction of the learned **Judicial Magistrate-II, Ponneri**;

(ii) The petitioners 1 and 2 shall appear and sign before the **respondent police, daily at 10.00 a.m**, until further orders;



(iii) Since the petitioners 3 and 4 are studying in a college, they shall appear and sign before the respondent police every Saturday and Sunday until further orders;

(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 Judicial Magistrate 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 them 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



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(viii) 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*.

16.05.2024

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

mk/ms

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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To

1. The Judicial Magistrate No.II
Judicial Magistrate Court-II,
Ponneri.
2. DO THROUGH:
The Chief Judicial Magistrate,
Tiruvallur District.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Minjur Police Station
Thiruvallur District.



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R.SAKTHIVEL, J.

mk/ms

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