



Crl.O.P.No.12030 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

Crl.O.P.No.12030 of 2024

Shanmugam

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District
Crime No.130 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 grant an order of pre-arrest bail to the petitioners in Crime No.130 of 2024 on the file of the respondent police.

For Petitioner : Mr.G. Pandian

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



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Crl.O.P.No.12030 of 2024

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 bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 506(i) of I.P.C in Crime No.130 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner and the defacto complainant are adjacent agricultural land owners and there was a previous dispute pertaining to a pathway. A Civil case is pending in this regard. While so, the petitioner used to verbally abuse the defacto complainant using obscene words. On 05.05.2024, the petitioner waylaid the defacto complainant, while he was travelling in a bike with his aunt's son, and verbally abused and physically assaulted them. Thus, the petitioner caused injuries to them. Hence, the complaint.



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Crl.O.P.No.12030 of 2024

4. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case. Further that, the petitioner has no bad antecedent. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there was a pathway dispute between the petitioner and the defacto complainant, due to which the petitioner verbally abused and attacked the defacto complainant. He further submitted that injured has been discharged from the hospital. However, he prayed to dismiss this Criminal Original Petition.

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

7. Perusal of FIR shows that the petitioner attacked the defacto complainant and caused injuries to him owing to a pathway dispute. However, the injuries sustained by the defacto complainant are simple in nature. They are neighbouring agricultural land owners. Petitioner is aged about 68 years.



CrI.O.P.No.12030 of 2024

WEB COPY

8. Considering the above facts and circumstances of the case, the nature of the offences alleged and considering the fact that the injured has been discharged from the hospital, this court grants 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 **Judicial Magistrate Court, No.II, Udumalaipetai, Tiruppur District**, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- to the satisfaction of the **Judicial Magistrate Court, No.II, Udumalaipetai, Tiruppur District**.

(ii) The petitioner shall appear and sign before the respondent Police on every Monday and Friday at 10.30 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



CrI.O.P.No.12030 of 2024

Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

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

(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].

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

17.05.2024

Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
smn



CrI.O.P.No.12030 of 2024

Note:-

1. Registry is directed to forthwith upload this order in the official website of this Court.
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CrI.O.P.No.12030 of 2024

To

1. The **Judicial Magistrate No.II,**
Udumalaipetai, Tiruppur District.

2. The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District
Crime No.130 of 2024

3. The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.12030 of 2024

R.SAKTHIVEL. J.

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Crl.O.P.No.12030 of 2024

17.05.2024