



Crl.O.P.No.12085 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.12085 of 2024

1.Babu

2. P. Gomathi

... Petitioners

Vs.

The State rep. by
The Sub – Inspector of Police,
Pothatturpet Police Station,
Tiruvallur
Crime No.267 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.267 of 2024 on the file of the respondent police.

For Petitioners : M/s.S. Nishanthi

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



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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 petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of I.P.C r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.267 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioners and the defacto complainant are relatives and there was a dispute between them with regard to the defacto complainant along with his mother chopping Banana tress that stood in the petitioner's premises. Due to which there arose a wordy quarrel between them and the petitioners attacked the defacto complainant and caused injuries to him. Hence, the complaint.



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4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. When the defacto complainant attacked the petitioner, he attacked him back for self defence. Both the sides suffered injuries and have preferred complaint before police. However, the defacto complainant being an influential person, police has not taken any action on the petitioner's complaint. 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 the the 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 petitioners attacked the defacto complainant and caused injuries to him over a dispute regarding chopping trees. The injuries sustained by the defacto complainant are



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simple in nature.

8. Considering the above facts and circumstances of the case, the fact that the parties are relatives and neighbours and considering the fact that the injured has been discharged from the hospital, this court grants 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 his arrest or in the event of his surrender before the **Judicial Magistrate Court, Pallipattu**, 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/- (Rupees Ten Thousand only) to the satisfaction of the learned **Judicial Magistrate, Pallipattu**.

(ii) **The petitioners shall appear and sign before the respondent Police, daily at 10.30 a.m for a period of 30 days from the date of receipt of a copy of this order.**



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(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 petitioners shall not enter into the victim's house, property or work place;

(v) The petitioners 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.**



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Shaji vs. State of Kerala [(2005) 13 SCC 283].

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7. 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
smn

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, Pallipattu**

2.The Sub – Inspector of Police,
Pothatturpet Police Station,
Tiruvallur
Crime No.267 of 2024

3.The Public Prosecutor, High Court of Madras.

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R.SAKTHIVEL. J.

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