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Crl.O.P.No.11796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11796 of 2024

Muruganantham @ Ettappan
S/o.Raman

... Petitioner/Accused 2

Versus

State rep. by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.275 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 petitioner on bail in the event of his arrest in Crime No.275 of 2024 pending investigation on the file of the respondent police.

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

ORDER

This Criminal Original Petition has been filed by the petitioner 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 petitioner/A2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.275 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 05.05.2024, when the *de facto* complainant along with his friend Tamilselvan went to Konavaikkal Muniyappan Kovil, Padugai to take bath in a well at about 3.30 hours. The petitioner / A2 along with two others were consuming liquor there. At that time, a wordy quarrel occurred between the accused persons, Tamilselvan and *de facto* complainant. The accused assaulted the *de facto* complainant and his friend Tamilselvan with hands and beer bottles and threatened them with dire consequences. Due to which, *de facto* complainant sustained injuries in his right head and Tamilselvan sustained simple injuries, both of them were admitted at Dharapuram Government Hospital. Hence, the case.

4. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner. He further submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.



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5. The learned Government Advocate (Crl. Side) for the respondent police submitted that due to a wordy quarrel between the accused and the *de facto* complainant, the *de facto* complainant sustained simple injuries and got admitted in the hospital on 06.05.2024 and discharged from the hospital on 07.05.2024. He prayed to dismiss this Criminal Original Petition.

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

7. Except Section 506(ii) of IPC, other offences involved in Crime No.275 of 2024 are bailable in nature. Considering the above facts and circumstances of the case, the nature of the offences alleged to have been committed by the petitioner and that the victim has been discharged from the hospital, 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 **Judicial Magistrate Court, Dharapuram, Tiruppur District**, within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)



each, along with two sureties each for a like sum of Rs.20,000/- to the satisfaction of the **Judicial Magistrate Court, Dharapuram, Tiruppur District;**

(ii) The petitioner 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 shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make himself available for 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 from disclosing such facts to the Court or to any police officer;

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



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the Court; and

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(vii) On breach of any of the aforementioned conditions, the learned Judicial 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*.

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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R.SAKTHIVEL, J.

mk/ms

To

1. The Judicial Magistrate,
Judicial Magistrate Court,
Dharapuram, Tiruppur District.
2. DO THROUGH:
The Chief Judicial Magistrate,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

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