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Crl.O.P.No.11787 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.11787 of 2024

Kaviarasu
S/o.Rathinasamy

... Petitioner / Accused

Versus

The State rep. by
The Inspector of Police,
Sathyamangalam Police Station, Erode,
Crime No.224 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 release the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.224 of 2024 on the file of the Inspector of Police, Sathyamangalam Police Station, Erode.

For Petitioner	:	Mr.Thinesh P.
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.



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2. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 341 and 353 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.224 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the *de-facto* complainant, who is the forest vehicle checking employee, while checking the vehicle of the petitioner, there arose a wordy quarrel between the petitioner and the *de-facto* complainant for purchasing the entry ticket. Due to wordy quarrel, the petitioner assaulted the *de-facto* complainant. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He further submitted that a false case has been foisted against the petitioner by the respondent police and no previous case is pending against the petitioner. Further that, he is the sole bread winner of the family. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.



5. The learned Government Advocate (Crl. Side) for the respondent police submitted that the *defacto* complainant has sustained simple injuries, was admitted in the hospital on 06.05.2024 and got discharged from the hospital on the same day itself. He further submitted that no previous case is pending against the petitioner.

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

7. Considering the fact that no previous case is pending against the petitioner and that the victim was discharged from the hospital, this Court is of the view that the custodial interrogation of the petitioner is not necessary in this case.

8. Considering the above facts and circumstances of the case, the nature of the offences alleged to have committed by the petitioner, and the fact that the petitioner is the sole bread winner of the family, 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, Sathyamangalam**, within a period of 15 days from today, on executing a bond



for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) along with two sureties each for a like sum of Rs.15,000/- to the satisfaction of the learned

Judicial Magistrate, Sathyamangalam;

(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 them 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 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



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9. 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

ms/mk

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,
Sathyamangalam.
2. DO THROUGH:
The Chief Judicial Magistrate, Erode.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Sathyamangalam Police Station, Erode.



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R.SAKTHIVEL, J.

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