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Crl.O.P.No.11771 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.11771 of 2024

1.Manivannan
S/o.Munusamy

2.Nalini
W/o.Manivannan

3.Chitra
D/o.Munusamy

...Petitioners/Accused

Vs.

The State Rep by
The Inspector of Police
Gingee Police Station
Villupuram District.
(Crime No.378/2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., 1973 (Act No.2 of 1974), praying to grant an order of pre-arrest bail to the petitioners in Crime No.378 of 2024 on the file of the respondent police.

For Petitioners : Mr.M.Udayakumar

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 an order of pre-arrest bail to them.

2.The petitioners/accused apprehend the arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(ii) of the Indian Penal Code, 1860 (Act No.45 of 1860) r/w.Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1988 in Crime No.378 of 2024 on the file of the respondent police.

3.The case of the prosecution is that the de-facto complainant is the sister-in-law of the petitioners 2 and 3. There was a civil dispute subsisting between the petitioners and the de-facto complainant, due to which, a wordy quarrel developed between them, which resulted in a scuffle. Hence the case.



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4.The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that already there was a civil dispute existing between the petitioners and the de-facto complainant, hence, the petitioners have been falsely implicated in this case. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the de-facto complainant is none other than the sister-in-law of the petitioners 2 and 3. Already a civil suit for partition is pending between the petitioners and the de-facto complainant. Due to which, the petitioners developed a wordy quarrel, which ended in a scuffle. He further submitted that no one was injured in this case. However, he prayed to dismiss this Criminal Original Petition.

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

7. The petitioners and de-facto complainant are close relatives. A property dispute is subsisting between the petitioners and the de-facto complainant. It appears that on 27.04.2024, a wordy quarrel occurred



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between the petitioner and the de-facto complainant. Except the offence under Section 506(ii) of I.P.C., other offences allegedly committed by the petitioner are bailable offences. Considering the facts and circumstances of the case, nature of the alleged offences, the fact that no one was injured, 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 their arrest or in the event of their surrender before the Judicial Magistrate No.II Court, Gingee, within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Gingee;

(ii) The first and second petitioners shall appear and sign before the Neyveli Township Police Station, Neyveli, daily at 10.00 a.m., until further orders. The third petitioner shall appear and sign before the respondent Police, daily at 10.00 a.m., until further orders;



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(iii) The petitioners should not enter into the de-facto complainant's residence and her work place;

(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 Jurisdictional Judicial Magistrate Court/Trial Court; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Judge is entitled to pass appropriate



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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]*.

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

16.05.2024

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

rsi/dna

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



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- 1.The Judicial Magistrate No.II,
Gingee.
- 2.The Inspector of Police
Gingee Police Station
Villupuram District.
- 3.The Public Prosecutor,
High Court of Madras.



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R.SAKTHIVEL. J.,

rsi/dna

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