



Crl.O.P.No.11792 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.11792 of 2024

M.Govindhan

... Petitioner/ Accused No.2

Vs.

The State rep. by
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.162 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.162 of 2024 on the file of the respondent police.

For Petitioner : Mr.Dhilipan Pandian R.L

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner on 14.05.2024 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 apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 341, 342, 387 & 506(ii) of IPC in Crime No.162 of 2024 on the file of the respondent police.

3. The case of the prosecution is that due to money dispute, the petitioner along with other accused unlawfully assembled, wrongfully restraint and confined the defacto complainant and put the defacto complainant under fear of death in order to commit extortion and assaulted him. Hence the case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the issue has been settled though a compromise between the parties. Hence, he prays for grant of anticipatory bail to the petitioner.



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5. The learned Government Advocate appearing for the respondent submitted that the defacto-complainant and Madhesh (A1) had dispute pertaining to a particular landed property and money transactions. In this case, totally 6 persons were arrayed as accused. The petitioner herein arrayed as A2. If pre-arrest bail is granted to the petitioner, he will cause threat to the defacto-complainant. He further submitted that petitioner has no previous case except the present one. Accordingly, he prayed to dismiss the petition.

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

7. Prosecution case is that petitioner and other accused persons unlawfully assembled, wrongfully restraint and confined the defacto complainant on 01.05.2024 and obtained sale deed by using force and threat. This Court has perused the averments stated in the First Information Report. Bare reading of FIR would show that petitioner and Madhesh (A1) had dispute pertaining to property and money transactions. After considering the cumulative facts, this Court is of the considered view that custodial interrogation of the petitioner may not be necessary to the respondent and it is a fit case for grant of anticipatory



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bail to the petitioner. Therefore, 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 **District Munsif cum Judicial Magistrate Court, Kariamangalam, Dharmapuri District**, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Kariamangalam, Dharmapuri District**.

(ii) 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 District Munsif cum Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) **The petitioner shall appear and sign before the respondent Police, daily at 10.00 a.m and 5.00 p.m., until further orders;**

(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(v) 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].

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

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Index : Yes/No
Internet : Yes/No
vkr



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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 District Munsif cum Judicial Magistrate,
Kariamangalam, Dharmapuri District.
- 2.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
- 3.The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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