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Crl.O.P.No.11897 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.11897 of 2024

Vijay
S/o.Sukumar

... Petitioner/
Accused No.1

Vs.

The State rep. by
The Inspector of Police,
Thirutani Police Station,
Thiruvallur District.
(Crime No.507 of 2024)

...Respondent/
Complainant

PRAYER: The 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.507 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Marshall

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



CrI.O.P.No.11897 of 2024

WEB COPY

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 apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 324, 341 and 506(ii) of IPC and r/w. Section 4 of Tamilnadu Prohibition of Woman Harassment Act, 1988 and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (TNPPDL Act) in Crime No.507 of 2024 on the file of the respondent police.

3. According to the petitioner, on 02.05.2024, when the petitioner was driving passenger auto, a Maruti ECO car which was going in front of the petitioner's auto, suddenly stopped on the center of the road without signalling; the petitioner managed to stop his auto and enquired regarding the same with the driver of the car; while that being so, the driver of the car along with two co-passengers assaulted the petitioner with big stone on his mouth; the defacto complainant lodged a complaint in Cr.No.507 of 2024 against the petitioner and the petitioner also lodged police complaint in Cr.No.508 of 2024 under Sections 294(b), 323, 324



CrI.O.P.No.11897 of 2024

and 506 (ii) of I.P.C.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there was rash and negligent driving by the accused which resulted in hit with the defacto complainant's vehicle and due to the wordy quarrel between the petitioner and the defacto complainant arising out of the accident, the accused assaulted the defacto complainant; the defacto complainant sustained minor injuries and he was admitted and discharged from the hospital on the same day.

5. Heard on both sides'. This Court has perused the records.

6. Considering the nature of the dispute between the petitioner and the defacto complainant, the nature of the injury allegedly caused by the petitioner to the defacto complainant and also the fact that it is a 'case in counter', 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 learned **Judicial Magistrate, Thirutani**, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two



CrI.O.P.No.11897 of 2024

sureties each for a like sum of Rs.10,000/- to the satisfaction of the learned **Judicial Magistrate, Thirutani.**

(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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall furnish his residence address and mobile number to the learned **Judicial Magistrate, Thirutani.**

(v) The petitioner 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. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].



Crl.O.P.No.11897 of 2024

WEB COPY

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

17.05.2024

Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
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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 Judicial Magistrate, Thirutani.

2.The Inspector of Police,
Thirutani Police Station,
Thiruvallur District.

3.The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.11897 of 2024

R.SAKTHIVEL. J.

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Crl.O.P.No.11897 of 2024

17.05.2024