



Crl.O.P.No.11983 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.11983 of 2024

1.Prabhakaran

2.Amirthalingam

... Petitioners/ Accused Nos.1 & 2

Vs.

The State rep. by
The Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur District 614001.
(Crime No.296 of 2024)

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.296 of 2024 on the file of the respondent police.

For Petitioners : Mr.S.Nirmal Aditya

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 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 petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 448, 294(b), 324 and 506(2) of IPC in Crime No.296 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioners and the defacto complainant are close relatives. On 28.04.2024 at about 2.40p.m., the petitioners trespassed into the defacto-complainant's house, abused and assaulted with knife and thereby caused blood injuries to the defacto-complainant. Hence the case.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the defacto complainant is none other than the son of the second petitioner. Hence, he prays for grant of



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anticipatory bail to the petitioners.

5. The learned Government Advocate appearing for the respondent submitted that on 28.04.2024 at about 2.40p.m. due to property dispute the petitioners entered into defacto complainant's house, abused and attacked him with knife and caused injuries. He further submitted that the injured/defacto complainant was admitted in the hospital on 28.04.2024 and discharged from the hospital on 01.05.2024. He submitted that petitioners have no previous case against the petitioners. However, he prayed to dismiss the petition.

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

7. The petitioners and the defacto complainant are close relatives. There is a family dispute subsisting between the petitioners and the defacto complainant. 2nd petitioner is none other than the father of the defacto complainant. The injured/defacto complainant was admitted in the hospital on 28.04.2024 and discharged from the hospital on 01.05.2024. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Petitioners are



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the first time offenders and they have no previous case. Considering the above facts and circumstances of the case, with a view to give one more opportunity to reform themselves, this Court is inclined to grant 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 learned **Judicial Magistrate No.I Court, Mannargudi**, 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 No.I Court, Mannargudi**.

(ii) **The petitioners 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



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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 petitioners shall furnish his residence address and mobile number to the learned Judicial Magistrate No.I, Mannargudi;

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

(vi) The petitioners shall not enter into defacto-complainant is residence or his work place;

(vii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners 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.**



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Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

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Index : Yes/No

Internet : 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.**



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To

- 1.The Judicial Magistrate No.I, Mannargudi.
- 2.The Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur District 614001.
- 3.The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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