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Crl.O.P.No.11911 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.11911 of 2024

Elumalai
S/o.Venkatesan

... Petitioner / A2

Versus

The State rep. by
The Inspector of Police,
Mappedu Police Station
Thiruvallur District
(Crime No.159 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 enlarge the petitioner on bail in the event of his arrest in connection with Crime No.159 of 2024 on the file of the respondent police.

For Petitioner	:	Mr.Sasikumar .R
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 447, 294(b), 323, 392 and 506(ii) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.159 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 11.05.2024, when the *de facto* complainant was working in his scrap shop at Ganthapettai Village, Mappedu, the petitioner and another entered into the said shop, verbally abused and assaulted the defacto complainant and robbed a sum of Rs.1,000/- from 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. 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 petitioner robbed a sum of Rs.1,000/- from the *de facto*



complainant and that the amount has not been recovered. He further submitted there is one previous case against the petitioner herein. Hence, he prayed to dismiss the petition.

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

7. Considering the nature of the offences committed by the petitioner, the fact that the amount has been recovered and with a view to give an opportunity to the petitioner to reform himself, 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 No.II Court, Thiruvallur**, within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) along with two sureties each for a like sum of Rs.15,000/- to the satisfaction of the **learned Judicial Magistrate No.II, Thiruvallur**;

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



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

16.05.2024

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 No.II,
Judicial Magistrate Court No.II,
Thiruvallur
2. DO THROUGH:
The Chief Judicial Magistrate, Thiruvallur.
3. The Public Prosecutor,
High Court, Madras.



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mk/ms

4. The Inspector of Police,
Mappedu Police Station
Thiruvallur District.

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