



Crl.O.P.No.12022 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.12022 of 2024

1.Jilla Govindaraj

2. Vijayakumar Sampath

3. G. Palanivel

... Petitioners

Vs.

The State rep. by
Sub – Inspector of Police,
Omalur
Salem – District
Crime No.256 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 grant an order of pre-arrest bail to the petitioners in Crime No.256 of 2024 on the file of the respondent police.

For Petitioners : Mr.A. Rahul

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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CrI.O.P.No.12022 of 2024

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 bail.

2. The petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 324 and 506(2) of I.P.C in Crime No.256 of 2024 on the file of the respondent police.

3. The defacto complainant is working as a cashier in a bakery. The case of the prosecution is that the petitioners went there and asked for cigarettes on credit for which defacto complainant refused. Consequently, there arose a wordy quarrel between them and the petitioners verbally abused and attacked him causing injuries to him. Hence, the complaint.

4. The learned counsel for the petitioners submitted that the



Crl.O.P.No.12022 of 2024

petitioners are innocent and they have been falsely implicated in this case. Petitioners are ready to obey conditions, if any, imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the the injured has been discharged from the hospital. However, he prayed to dismiss this Criminal Original Petition.

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

7. Perusal of FIR shows that the petitioners attacked the defacto complainant and caused injuries to him. The injured was admitted in the hospital on 30.04.2024 and got discharged on 03.05.2024.

8. Considering the above facts and circumstances of the case and considering the fact that the the injured has been discharged from the hospital, this Court is of the view that custodial interrogation of the petitioners is not necessary and accordingly grants an order of pre-arrest



CrI.O.P.No.12022 of 2024

bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on bail in the event of his arrest or in the event of his surrender before the **Judicial Magistrate Court, Omalur**, 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 learned **Judicial Magistrate, Omalur**.

(ii) **The petitioners shall appear and sign before the respondent Police, daily at 10.30 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 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 not enter into the victim's house or her place;

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



CrI.O.P.No.12022 of 2024

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].

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.**



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Crl.O.P.No.12022 of 2024

R.SAKTHIVEL. J.

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To

1.The **Judicial Magistrate, Omalur**

2.The Sub – Inspector of Police,
Omalur
Salem – District

3.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.12022 of 2024

17.05.2024