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Crl.O.P.No.11812 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.11812 of 2024

1. Manickam
S/o.Chinnathambi

2. Thangammal
W/o.Manickam

3. Mahendiran
S/o.Manickam

... Petitioners/ Accused 1 to 3

Versus

State rep. by
The Inspector of Police,
Nangavalli Police Station
Salem District.
(Crime No.71/2024)

... 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 petitioners on bail in the event of their arrest in Crime No.71 of 2024 on the file of the Inspector of Police, Nangavalli Police Station, Salem District.

For Petitioners : Mr.B.Sridhar

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 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 petitioners/ A1 to A3 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 324 and 379 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.71 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioners and the *de-facto* complainant are close relatives; that a land dispute is subsisting between the parties; that the petitioners assaulted the *de-facto* complainant and had stolen the two wheeler TVS XL bearing Registration No.TN 93 D 4689. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners and the *de-facto* complainant are close relatives and a civil dispute is pending between them, due to which, the *de-facto* complainant has given a false



complaint against the petitioners herein. He would further submit that the petitioners have not committed any offence as alleged by the prosecution and that they have no bad antecedents. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.

5. The learned Government Advocate (Crl. Side) for the respondent police submitted that due to civil dispute between the parties there arose a wordy quarrel. The wordy quarrel turned into a clash and victim sustained simple injuries, was admitted in the Hospital on 04.01.2024 and discharged from Hospital on 11.01.2024. If pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and his family members. Hence, the learned Government Advocate (Crl. Side) raised objection for granting pre-arrest bail to the petitioners.

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

7. Considering that the petitioners have permanent residence and deep roots in the society, date of occurrence, the nature of the dispute and relationship between the parties and also considering the fact that victim was discharged from the Hospital, this Court is inclined to grant an order of pre-



arrest bail to the petitioners subject to the following conditions.

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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the **Judicial Magistrate-I Court, Mettur, Salem District**, 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-I, Mettur, Salem District**;

(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 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 make themselves available for interrogation by police as and when required;

(v) The petitioners shall not enter into the *de facto* complainant's house and workplace;

(vi) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the



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case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(vii) The petitioners shall not leave India without the prior permission of the Court; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 283].

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

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Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

mk/ms



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Note:-

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- 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.I
Judicial Magistrate Court-I
Mettur, Salem District.
2. DO THROUGH:
The Chief Judicial Magistrate, Salem.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Nangavalli Police Station
Salem District.



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R.SAKTHIVEL, J.

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