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Crl.O.P.No.11819 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.11819 of 2024

L.Arul
S/o.Loganathan

... Petitioner/Accused

Versus

State rep. by
The Inspector of Police,
A.Pallipatty Police Station,
Dharmapuri District.
Crime No.Not Known 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 the case in Crime No.Not Known of 2024 on the file of the Inspector of Police, A.Pallipatty Police Station, Dharmapuri District.

For Petitioner : Mr.R.P.Rajkumar Alagesh

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



ORDER

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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/accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(ii) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.Not Known of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner and the *de-facto* complainant are adjacent land owners and a land dispute is subsisting between them, due to which, a wordy quarrel arose and that the petitioner assaulted the *de-facto* complainant, who sustained simple injuries and got admitted in the hospital, subsequently discharged. Hence, the case.

4. The learned counsel for the petitioner submitted that due to previous enmity, the *de facto* complainant foisted a false case against the petitioner. He further submitted that the petitioner is an innocent person and he has not



committed any offence as alleged by the prosecution. 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 due to a wordy quarrel between the petitioner and the *de facto* complainant, the petitioner assaulted the *de facto* complainant and she sustained simple injuries and got admitted in the hospital on 10.03.2024 and subsequently got discharged from the hospital on 15.03.2024. However, he prayed to dismiss this Criminal Original Petition.

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

7. Prosecution case is that the petitioner assaulted the defacto complainant over a wordy quarrel since there is some land dispute between them. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Except Section 506(ii) of IPC, other offences alleged in this case are bailable in nature.

8. Considering the above facts and circumstances of the case, the nature of the offences alleged to have been committed by the petitioner and that the



victim has been discharged from the hospital, 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 Court, Pappireddipatti, Dharmapuri District**, 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.20,000/- to the satisfaction of the learned **Judicial Magistrate, Pappireddipatti, Dharmapuri District**;

(ii) The petitioner shall appear and sign before the **respondent police, weekly twice i.e., Monday and Friday 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;

(v) The petitioner shall make himself available for interrogation by police as and when required;

(vi) 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 him from disclosing such facts to the Court or to any police officer;



Crl.O.P.No.11819 of 2024

(vii) The petitioner 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 petitioner 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*.

16.05.2024

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

mk/ms

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.11819 of 2024

R.SAKTHIVEL, J.

mk/ms

To

1. The Judicial Magistrate,
Judicial Magistrate Court,
Pappireddipatti, Dharmapuri District.
2. DO THROUGH:
The Chief Judicial Magistrate,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
A.Pallipatty Police Station,
Dharmapuri District.

Crl.O.P.No.11819 of 2024

16.05.2024