



Crl.O.P.No.11830 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1. Surya
S/o.Ramu
2. Udhaya @ Udhayan
S/o.Saravanan
3. Karthi @ Karthick
S/o.Kumarasamy

... Petitioners/ Accused 1, 6 & 7

Versus

The State rep. by
The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
(Crime No.236 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 petitioners on bail in the event of their arrest in Crime No.236 of 2024 on the file of the Cuddalore OT Police Station, Cuddalore District.

For Petitioners : Mr.S.Siva Kumar

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, A6 and A7 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.236 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner / A1-Surya and A2-Jegan voluntarily picked up a quarrel with the defacto complainant's son at about 06:30 PM on 04.05.2024. Later, that night, the accused verbally abused the *defacto* complainant's son via phone and asked him to come to a place. Upon the *defacto* complainant and his son going there, the accused persons verbally abused the *defacto* complainant using filthy language, threatened him with dire consequences and assaulted the *defacto* complainant at his face using hands and wooden logs. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners



are innocent persons and have not committed any offences as alleged by the prosecution. He further submitted that a false case has been foisted against the petitioners by the respondent police and that therefore ready to obey the conditions, if any, imposed by this Court. 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 the victim has been treated as an out patient. He further submitted that no previous case is pending against the petitioners. However, he prayed to dismiss the petition.

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

7. Prosecution's case, in brief, is that the accused persons verbally abused the *defacto* complainant and his son, threatened the *defacto* complainant with dire consequences and assaulted him at his face using hands and 'Kuthukattai'.

8. Considering the facts and circumstances of the case, the nature of the offense alleged, the fact that the victim was treated as an outpatient, the fact that the petitioners have deep roots in the society due to which there is less



probability of absconding and the fact that there are no previous cases of similar nature against the petitioners and also with a view to give an opportunity to reform themselves, this Court grants 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 **Judicial Magistrate No.II Court, Cuddalore** 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-II, Cuddalore;**

(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, directly or indirectly, make any inducement,



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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 petitioners 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 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
ms/mk

Note:-



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1. Registry is directed to forthwith upload this order in the official website of this Court.

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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-II,
Judicial Magistrate Court,
Cuddalore.
2. DO THROUGH:
The Chief Judicial Magistrate, Cuddalore.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.



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R.SAKTHIVEL, J.

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