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Crl.O.P.No.11868 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.11868 of 2024

1.Kunabalan
S/o.Settu

2.Arulselvan
S/o.Gunabalan

3.Aasaimani
S/o.Gunabalan

... Petitioners/Accused 1 to 3

Vs.

The State rep by
The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
(Crime No.103 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., 1973 (Act No.2 of 1974), praying to grant an order of pre-arrest bail to the petitioners in Crime No.103 of 2024 on the file of the the Inspector of Police, Muthandikuppam Police Station, Cuddalore District.

For Petitioners : Mr.M.P.Venkatakrisnan

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 to them.

2.The petitioners/Accused 1 to 3, apprehend the arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of the Indian Penal Code, 1860 (Act No.45 of 1860) (hereinafter 'IPC') and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1988 in Crime No.103 of 2024 on the file of the respondent police.

3.The case of the prosecution is that on 03.05.2024 at about 05.30 a.m., there was a wordy quarrel arose between the de-facto complainant and petitioners with regard to the usage of temple land, whereby the petitioners abused the de-facto complainant with filthy language and assaulted her with wooden log and caused injuries to her. Hence the case.



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4.The learned counsel for the petitioner submitted that the petitioners are innocent and have not committed any offence as alleged by the prosecution. He further submitted that already there was a dispute between the petitioners' family and de-facto complainant, hence, the petitioners have been falsely implicated in this case. He further submitted that the injured has been discharged from hospital. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners and de-facto complainant are adjacent land owners. Already a dispute existed between the petitioners' family and de-facto complainant with regard to usage of temple land. On 03.05.2024, the petitioners assaulted the de-facto complainant with wooden log and caused grievous injuries to her. He further submitted that the injured was admitted in the hospital on 03.05.2024 and got discharged on 05.05.2024. He further submitted that the petitioners have no previous case. However, he prayed to dismiss this Criminal Original Petition.



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

7. There was a dispute between the petitioners' family and de-facto complainant with regard to the usage of temple land. Considering the above facts and circumstances of the case and that the petitioners have no previous case; that they have permanent residence and deep roots in the society, hence, there is less possibility for absconding and that the injured has been discharged from the hospital, this Court does incline to grant 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 learned Judicial Magistrate No.I, Panruti, Cuddalore District, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Panruti, Cuddalore District;

(ii) The petitioners shall appear and sign before the respondent Police, daily at 10.00 a.m., until further orders;



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(iii) The petitioners should not enter into the de-facto complainant's residence and her work place;

(iv) 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 petitioners shall make themselves available for interrogation by police as and when required;

(vi) The petitioners 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;

(vii) The petitioners shall not leave India without the prior permission of the Jurisdictional Judicial Magistrate Court/Trial Court; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Judge 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].



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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
Speaking order / Non-speaking order
Neutral citation : Yes/No
rsi/dna

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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To

- 1.The Judicial Magistrate No.I,
Panruti, Cuddalore District.
- 2.The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court of Madras.



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R.SAKTHIVEL, J.

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