



WEB COPY



Crl.O.P.No.12104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12104 of 2024

- 1.Arul @ Premkumar,
S/o.Vinayagam.
- 2.Rajagopal,
S/o.Mohan
- 3.Prithivkumar,
S/o.Prakasam

... Petitioners/Accused Nos. 3, 5 & 6

Versus

State rep. by:

The Inspector of Police,
C4, Pennalurpet Police station,
Thiruvallur.
(Crime No.154 of 2024)

... Respondent/Complainant

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

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to enlarge the petitioners/accused No.3, 5 & 6 on anticipatory bail in Crime No.154 of 2024 on the file of the respondent police.



ORDER

This Criminal Original Petition has been filed by the petitioner on 14.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant anticipatory bail.

2. The petitioners/accused Nos.3, 5 & 6, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 323, 324, 506(2) r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1988, in Crime No.154 of 2024, on the file of the respondent police.

3. The case of the prosecution is that on 04.05.2024 at about 4.30 p.m, when the first accused in this case was driven the vehicle in a rash manner and the said act of the petitioners was questioned by the defacto complainant. On 05.05.2024, the petitioners and two other accused in the case trespassed into the house of the defacto complainant with dangerous weapons and abused the defacto complainant and others in filthy language and caused injuries and threatened them with dire consequences. Hence, the case.

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



are innocent and they have been falsely implicated in this case and that no previous case is pending against the petitioners. The petitioners have stated that A1 and A2 were arrested by the police and remanded in judicial custody and the injured in the case was discharged from the hospital. He therefore 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 were trespassed into the house of the defacto complainant and caused injuries and also threatened with dire consequences. He further submitted that it is a case in counter and if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and others and also tamper the witnesses. Hence, he prayed to dismiss this Criminal Original Petition.

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

7. Considering the nature of the dispute between petitioners and the defacto complainant, the nature of the injury allegedly caused by the petitioners to the defacto complainant and also the fact that it is a 'case in counter' and the petitioners have permanent residence and has deep roots in the society, there is less possibility of absconding. Hence, this Court is inclined to grant an order of



pre-arrest bail to the petitioners with conditions. Accordingly, pre-arrest bail is granted 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.1, Uthukottai 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 along 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.1, Uthukottai.**

(ii) 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 No.I, Uthukottai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall appear and sign before respondent Police, weekly twice i.e., on Monday and Friday at 10.00 a.m., until further orders;

(iv) The petitioners should not enter into the defacto complainant's house or his work place;

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

(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]**.

8. 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
rkp

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.**



Crl.O.P.No.12104 of 2027

To

1. The Judicial Magistrate I, Uthukottai.

2. DO THROUGH:

The Vacation Judge (Crl.Side),
Thiruvallur.

3. The Inspector of Police,
C4, Pennalurpet Police station,
Thiruvallur.

4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.12104 of 2024

R.SAKTHIVEL, J.

rkp

Crl.O.P.No.12104 of 2024

17.05.2024