



Crl.O.P.No.12055 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

Crl.O.P.No.12055 of 2024

Manimaran

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Salem City Police Station,
Kitchipalayam, Salem
Crime No.213 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 grant an order of pre-arrest bail to the petitioners in Crime No.213 of 2024 on the file of the respondent police.

For Petitioner : Mr.T Sudha Gandhi

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 14.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 341, 384, 511 and 506(2) of I.P.C in Crime No.213 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner is running a dying unit in the name of STMK & Co and the defacto complainant is running a dying unit in the name of KRG Dying. While so, the petitioner has lodged a complaint before the Tamil Nadu Pollution Control Board stating that the defacto complainant is violating the rules prescribed by the Tamil Nadu Pollution Control Board. Pursuant to which the officials of the Tamil Nadu Control Board conducted inspection in the defacto complainant's company thrice, on 19.03.2024, 28.03.2024 and



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02.04.2024. On 02.04.2024 when the officials of the Tamil Nadu Control Board conducted inspection the defacto complainant raised an objection that the inspection has to be conducted yearly once, then what is the reason for conducting the inspection thrice within a month and they informed that the petitioner herein has lodged a complaint that the defacto complainant is not adopting the rules of the The Tamil Nadu Control Board. Thereafter, when the defacto complainant questioned the petitioner regarding the said issue, the petitioner in turn threatened the defacto complainant with dire consequences. Hence, the complaint.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The petitioner has deep roots in the society. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner herein lodged a complaint before the Tamil Nadu Control Board that the defacto complainant is



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violating the rules prescribed by the Tamil Nadu Pollution Control Board and when the same was questioned by the the defacto complainant, the petitioner herein threatened the defacto complainant with dire consequences causing life threat to him. Hence, he prayed to dismiss this Criminal Original Petition.

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

7. Considering the above facts and circumstances of the case, the fact that the petitioner has deep roots in the society and therefore there is less chance of absconding, and considering the fact that the petitioner has only threatened the defacto complainant, this court grants 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, No.II, Salem** 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



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learned **Judicial Magistrate, No.II, Salem.**

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(ii) **The petitioner shall appear and sign before the respondent Police on everyday at 10.30 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 petitioner shall not enter into the victim's house or her place;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in **P.K.**



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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
smn

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.II, Salem**

2. The Inspector of Police,
Salem City Police Station,
Kitchipalayam, Salem
Crime No.213 of 2024

3.The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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