



Crl.O.P.No.11986 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.11986 of 2024

1.Velan @ Pandi
2.Selva @ Selvaraj
3.Barathvaj

... Petitioners/ Accused Nos.2 to 4

Vs.

The State rep. by
The Inspector of Police,
C2 Periyapalayam Police Station,
Thriuvallur.
(Crime No.189 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.189 of 2024 on the file of the respondent police.

For Petitioners : Mr.M.Jaisingh

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 an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent Police for the offences originally punishable under Sections 147, 148, 294(b), 323, 324, 448, 427, 506(2) of IPC and later, altered to Sections 147, 148, 294(b), 323, 324, 448, 427, 506(2) of IPC r/w 3(1) of Tamilnadu Property (Prevention & Damage and loss) Act, 1992 (TNPPDL Act) in Crime No.189 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioners along with other accused went to the shop of the defacto complainant for drinking tea and thereafter, they tried to leave the shop without paying money for the tea. When it was questioned by the defacto complainant, the petitioners abused and assaulted him and also caused damages to the shop. Hence the case.



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4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have no previous antecedents. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have caused damages to the shop Defacto complainant toughly to the tune of Rs.20,000/-. Damage is yet to be assessed completely. He also submitted that there is no previous case against the petitioners. However, he prayed to dismiss the petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Petitioners are the first offenders and they have no previous case. Initially, the respondent Police has registered a case against the petitioners in Crime No.189 of 2024 for the offences under Sections 147, 148, 294(b), 323, 324, 448, 427, 506(2) of IPC and later, altered to Sections 147, 148, 294(b), 323, 324, 448, 427, 506(2) of IPC r/w 3(1) of TNPPDL Act. Considering the



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above facts and circumstances of the case and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined 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 **District Munsif cum Judicial Magistrate Court, Uthukottai**, within a period of 15 days from today, on executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each along with two sureties each for a like sum of Rs.15,000/- to the satisfaction of the **District Munsif cum Judicial Magistrate Court, Uthukottai**.

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

(iii) The petitioner shall deposit a sum of Rs.5,000/- (Rupees five Thousand only) each totally a sum of Rs.15,000/- (Rupees fifteen



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Thousand only) before the Judicial Magistrate Court, Uthukottai to he credit of Crime No.189 of 2024 of C-2, Periyapalayam Police Station. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized bank initially for a period of one year and renew them periodically until the final order/Judgement Learned Judicial Magistrate or the Trial Court as the case may be shall pass order as to the disposition of the fixed deposit in the final order/judgement.

(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 furnish his residence address and mobile number to the learned District Munsif cum Judicial Magistrate, Uthukottai;



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

(vii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners 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. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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Index : Yes/No

Internet : Yes/No

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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 District Munsif cum Judicial Magistrate, Uthukottai.
- 2.The Inspector of Police,
C2 Periyapalayam Police Station,
Thriuvallur.
- 3.The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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