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Crl.O.P.No.12078



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12078 of 2024

Venkatesan
S/o.Dhasarathan

... Petitioner/Accused

Versus

State rep. by
The Inspector of Police,
C-1, Tindivanam Police Station,
Villupruam District.
(Crime No.320 of 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, praying to grant an order of anticipatory bail to the petitioner in the event of the arrest in Crime No.320 of 2024 on the file of the respondent police.

For Petitioner : Mr.Selvakumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 438 of 'The Criminal Procedure Code, 1973 (Act No.2 of 1974)' praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 323 & 294(b) of the Indian Penal Code, 1860 (Act No.45 of 1860) & Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.320 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that due to money dispute there was a wordy quarrel between the petitioner and the defacto complainant occurred on 11.05.2024, and due to which the petitioner had assaulted the defacto complainant with his hands and the defacto complainant sustained simple injury. Hence, the case.

4. The learned counsel for the petitioner submitted that the defacto complainant is the petitioner's brother-in-law's sister. He further submitted that due to family dispute the petitioner has been falsely implicated in this case. The petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner abused the defacto complainant using filthy language and attacked her with his hands, due to which, the defacto complainant sustained simple injuries. He further submitted that it is a 'case in counter' and if pre-



arrest bail is granted to the petitioner, he will cause threat to the defacto complainant.

Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7. It appears that the petitioner and the defacto complainant are close relatives and some money dispute exists between them. Considering the nature of the dispute between petitioners and the defacto complainant, the nature of the injury allegedly caused by the petitioner to the defacto complainant, the fact that it is a 'case in counter' and also with a view to offer an opportunity to reform himself, this court is inclined to grant an order of pre-arrest bail to the petitioner with conditions.

8. Accordingly, Pre-arrest bail is granted to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate-I Court, Combined Court, Tindivanam within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate-I, Combined Court, Tindivanam.



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

(iii) The petitioner should not enter into the defacto complainant's house or his 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-I, Combined Court, Tindivanam, shall obtain a copy of any one of identity proofs to ensure their identity;

(v) The petitioner shall make themselves available for interrogation by police as and when required;

(vi) The petitioner 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) The petitioner shall not leave India without the prior permission of the Court; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court 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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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

17.05.2024

Index : Yes/No
Internet : Yes/No
Speaking order / Non-speaking order
Neutral citation : Yes/No
bkn/ssr

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.**

To

- 1.The Judicial Magistrate-I, Combined Court, Tindivanam.
- 2.The Inspector of Police,
C-1, Tindivanam Police Station,
Villupruam District.
- 3.The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

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