



Crl.O.P.No.11994 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

Crl.O.P.No.11994 of 2024

1.Santhakumar

2.Adhavan @ Sivakumar

3.Appunu @ Ravikumar

... Petitioners/ Accused

Vs.

The State rep. by

The Inspector of Police,

R-5 Virugambakkam Police Station,

Chennai-92

(Crime No.236 of 2024

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to grant anticipatory bail to the petitioners, in the event of their arrest, concerned in Crime No.236 of 2024, on the file of the respondent police.

For Petitioners : Mr.A.Kasi

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



WEB COPY



CrI.O.P.No.11994 of 2024

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 were apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 323, 324, 506(i) IPC in Crime No.236 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 04.05.2024 at about 08.00 p.m., the petitioners and others, in a drunken mood, destroyed the banners and vehicles near the house of the *defacto* complainant and assaulted her husband and mother in law. Hence, the case.

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 husband and mother in law of the *defacto* complainant only sustained simple injuries. Hence, he prays for



CrI.O.P.No.11994 of 2024

grant of anticipatory bail to the petitioners.

5. The learned Government Advocate appearing for the respondent submitted that due to political enmity, the petitioners have abused the *defacto* complainant and assaulted her husband and mother in law. He further submitted that the injured was treated as an out patient. He also submitted that there is a counter case registered as against the *defacto* complainant.

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

7. It is seen that the injured was treated as an out patient and that there is a counter case registered as against the *defacto* complainant. Hence, with a view to give one more opportunity 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 **XXIII Metropolitan Magistrate,**



WEB COPY



CrI.O.P.No.11994 of 2024

Saidapet, Chennai-15, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- to the satisfaction of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai-15.

(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 shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioners shall furnish his residence address and mobile number to the learned XXIII Metropolitan Magistrate, Saidapet, Chennai-15;

(v) The petitioners 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 petitioners in accordance



CrI.O.P.No.11994 of 2024

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.

17.05.2024

Index : Yes/No
Internet : Yes/No
Anu

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.**



WEB COPY



Crl.O.P.No.11994 of 2024

R.SAKTHIVEL. J.

Anu

To

1.The XXIII Metropolitan Magistrate,
Saidapet, Chennai.

2.The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai-92

3.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.11994 of 2024

17.05.2024