



Crl.O.P.No.12004 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.12004 of 2024

1.Shanmugam

2.Madhan @ Madhan Raj

3.Soban @ Soban babu

... Petitioners/ Accused Nos.1 to 3

Vs.

The State rep. by

The Inspector of Police,

Peerkkankaranai Police Station,

Kancheepuram District.

(Crime No.160 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.160 of 2024 on the file of the respondent police.

For Petitioners : Mr.A.Logesh

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



Crl.O.P.No.12004 of 2024

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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 punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.160 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant had a relationship outside of marriage with the first petitioner's wife, and when the same was questioned by the petitioners on 08.05.2024 at 21.30hours, there arose a wordy quarrel and the petitioners abused and attacked the defacto complainant using knife. 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. He further submitted that the defacto complainant had relationship outside the marriage with the first petitioner's wife and since it was questioned by the petitioners, the defacto complainant has given a false



Crl.O.P.No.12004 of 2024

complaint against the petitioners. 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 injured/defacto complainant was admitted in the hospital on 08.05.2024 and discharged from the hospital on 13.05.2024. He also submitted that there is no previous case against the petitioners. He prayed to dismiss the petition.

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

7. Considering the facts and circumstances of the case that the injured/defacto complainant is discharged from the hospital on 13.05.2024; that the petitioners have permanent residence and deep roots in the society; that there is less possibility of absconding; that the Petitioners have no bad antecedents and also with a view to give an 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 **Judicial Magistrate No.I Court, Tambaram**, within a period of 15 days from today, on



CrI.O.P.No.12004 of 2024

executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each along with two sureties each for a like sum of Rs.20,000/- to the satisfaction of the learned **Judicial Magistrate No.I, Tambaram.**

(ii) **The petitioners shall appear and sign before the respondent Police, daily at 10.00 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 petitioners shall furnish his residence address and mobile number to the learned Judicial Magistrate No.I, Tambaram;

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

(vi) The petitioners should not enter into the defacto complainant's residence and his work place;



Crl.O.P.No.12004 of 2024

(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.

17.05.2024

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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Crl.O.P.No.12004 of 2024

R.SAKTHIVEL. J.

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To

- 1.The Judicial Magistrate No.I, Tambaram.
- 2.The Inspector of Police,
Peerkkankaranai Police Station,
Kancheepuram District.
- 3.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.12004 of 2024

17.05.2024