



Crl.O.P.No.12043 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.12043 of 2024

1.Venkatesh

2.S. Sudhagar

3.Manikandan @ Manimaran

... Petitioners

Vs.

The State rep. by
The Inspector of Police
K-2 Ayanavaram Police Station,
Ayanavaram, Chennai -23
Crime No.115 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.115 of 2024 on the file of the respondent police.

For Petitioners : Mr.Kartheeban.G

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 petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 323, 341, 294(b), 324, 397 and 506(2) of I.P.C in Crime No.115 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioners waylaid the defacto complainant and his friends, abused him using filthy language, and robbed a sum of Rs.620/- at knife point attacked the defacto complainant using wooden leg and caused injuries to him. They further threatened him with dire consequences. Hence, the complaint.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. A Counter case has been registered in Crime No.16 of 2024 against



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the defacto complainant .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 the injured has been discharged from the hospital. He further submitted a counter case has been registered against the defacto complainant in Cr.No.16 of 2024. However, he prayed to dismiss this Criminal Original Petition.

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

7. Perusal of FIR shows that the petitioners abused, threatened and attacked the defacto complainant and caused injuries to him. The injuries sustained by the petitioners are simple in nature.

8. Considering the above facts and circumstances of the case, the fact that the injured has been discharged from the hospital, and with a view to give an opportunity to reform themselves, this Court grants an order of pre-arrest bail to the petitioners subject to the following conditions.



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(i) The petitioners shall be released on bail in the event of his arrest or in the event of his surrender before the **V Metropolitan Magistrate Court at Egmore** , within a period of 15 days from today, on 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 **V Metropolitan Magistrate Court at Egmore.**

(ii) **The petitioners shall appear and sign before the respondent Police, daily 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 V Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall not enter into the victim's house or her place;

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



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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. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

7. 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
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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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R.SAKTHIVEL. J.

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To

1.The **V Metropolitan Magistrate Court at Egmore.**

2.The Inspector of Police
K-2 Ayanavaram Police Station,
Ayanavaram, Chennai -23

3.The Public Prosecutor, High Court of Madras.

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