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Crl.O.P.No.12173



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12173 of 2024

1.Manickam

2.Raja

3.Subramanian

4.Gnanambal

... Petitioners/Accused 1 to 4

Versus

State rep. by
The Inspector of Police,
Edaiyur Police Station,
Tiruvarur District.
(Crime No.85 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 petitioners in the even of their arrest in Crime No.85 of 2024 on the file of the respondent police.

For Petitioners : Mr.Palanivel Nadimuthu

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

ORDER



This Criminal Original Petition has been filed by the petitioners 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 alleged offences punishable under Sections 294(b), 323 and 506(i) of the Indian Penal Code, 1860 (Act No.45 of 1860) on the file of the respondent-police.

3. The case of the prosecution is that the petitioners are the family members of the defacto complainant's daughter-in-law, over a small family dispute, defacto complainant's daughter in law called her family members, who came assaulted and bit the defacto complainant and consequently, the defacto complainant sustained simple injuries. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners are hailing from a very respectable family and the defacto complainant, in collusion with his first son and his wife, have ill-treated the second daughter-in-law of the first petitioner and a case has been falsely foisted against the petitioners. The petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prayed to grant an order of pre-arrest bail to the petitioners.



5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners have abused the defacto complainant using filthy language and assaulted him and due to which the defacto complainant sustained simple injuries. He further submitted that there are no previous case against the petitioners. However, if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant. Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7. It is seen from the case records that there is a family dispute between the petitioners and the defacto complainant. Considering the nature of the dispute between petitioners and the defacto complainant, the relationship between the parties and the fact that there is no previous case against the petitioners and the nature of the injury allegedly caused by the petitioners to the defacto complainant and also with a view to offer an opportunity to reform themselves, 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 petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate Court, Tiruthuraipoondi 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/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Tiruthuraipoondi.

(ii) The petitioners shall appear and sign before the respondent police, daily at 10.00 a.m, for a period of one month from the date of receipt of a copy of this order.

(iii) The petitioners 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, Tiruthuraipoondi, shall obtain a copy of any one of identity proofs to ensure their identity;

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

(vi) The petitioners 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 petitioners 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 petitioners 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.**



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To

- 1.The Judicial Magistrate, Tiruthuraipoondi.
- 2.The Inspector of Police,
Edaiyur Police Station,
Tiruvarur District.
- 3.The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

bkn

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