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Crl.O.P.No.12148



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12148 of 2024

1.Kathirvel
S/o.Ponnusamy

2.Muniappan
S/o.Palani

... Petitioners/Accused 3 & 4

Versus

State rep. by
The Inspector of Police,
Veeranam Police Station,
Salem District.
(Crime No.467 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.467 of 2024 on the file of the respondent police.

For Petitioners : Mr.Prithvi Jayaprakasham

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



ORDER

WEB COM 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 147, 341, 342 & 386 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 on 13.02.2023 at about 03.00pm. When the defacto-complainant was returning to his house in his motorcycle, near Pallipattu burial ground, the petitioners waylaid wrongfully restrained and extorted a sum of Rs.10,000/- from his shirt pocket by putting fear of causing death to the defacto complainant. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners and the defacto complainant are business partners and money dispute is existing between them. He further submitted that the defacto complainant is evading to make payment to the petitioners as per the loan agreement. The learned counsel further submitted that the petitioners is ready to deposit the alleged extorted amount of Rs.10,000/-, if



directed by this Court. 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 threatened the defacto complainant and extorted a sum of Rs.10,000/- from the defacto complainant. He further submitted that if pre-arrest bail is granted to the petitioner, he will be emboldened to 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 appears that there is a business rivalry between the petitioners and the defacto complainant and due to which the petitioners extorted a sum of Rs.10,000/- from the defacto complainant. The learned counsel for the petitioners submitted that the petitioners are ready to deposit a sum of Rs.10,000/- if directed by this Court, considering the facts and circumstances of the case, the fact that the petitioners are ready to deposit the alleged sum extorted and 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, however with conditions.



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

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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate Court-IV, Salem 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/- (Rupees twenty thousand only) to the satisfaction of the learned Judicial Magistrate-IV, Salem District.

(ii) The petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Judicial Magistrate No IV, Salem to the credit of Crime No.467/2024 of Veeranam Police Station. In turn, the Judicial Magistrate shall deposit the said amount in a nationalized bank initially for a period of one year and renew them periodically until the final order/judgement Learned Judicial Magistrate or the Trial Court as the case may be shall pass order as to the disposition of the fixed deposit in the final order/judgement.

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

(iv) The petitioners should not enter into the defacto complainant's house or his work place;



(v) 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-IV, Salem, shall obtain a copy of any one of identity proofs to ensure their identity;

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

(vii) 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;

(viii) The petitioners shall not leave India without the prior permission of the Court; and

(ix) 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.**

To

- 1.The Judicial Magistrate-IV, Salem.
- 2.The Inspector of Police,
Veeranam Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

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