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Crl.O.P.No.12132



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12132 of 2024

G.Praveen Kumar
S/o.Gopal

... Petitioner/Accused 3

Versus

State rep. by
The Inspector of Police,
15 - Velampalayam Police Station,
Tiruppur City, Tamil Nadu.
(Crime No.15 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 petitioner in the even of the arrest in Crime No.15 of 2024 on the file of the respondent police.

For Petitioners : Mr.S.Lokesh

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

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 438 of 'The Criminal Procedure Code, 1973 (Act No.2 of 1974)' praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 294(b) and 506(1) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.15 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that defacto complainant and his wife are the registered members of CSI St. Paul's Church. On 02.02.2023, the defacto complainant and his wife questioned about the fraudulent accounts maintained for the money received as offering from the devotees and members of the Church. Due to which, the defacto complainant and his wife were harassed by the accused. On 18.10.2023, around 11 p.m., accused and his friends called the defacto complainant and gave a life threat over a phone from various numbers. The next day night, the accused's friends called from four different numbers and abused the defacto complainant using filthy language and gave life threats. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and false case is foisted against him for statistical purposes. He further submitted that the co-accused (A1) has been granted with anticipatory bail by this Court on 09.05.2024 in Crl.O.P.No.11515 of 2024. Hence, he prayed to grant an order of pre-arrest bail to the



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5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the *de facto* complainant question the accounts maintained in the Church as a result of which, the defacto complainant and his wife were harassed and threatened by the accused. If pre-arrest bail is granted, petitioner will be emboldened to harass the defacto complainant. Hence, he prayed to dismiss this Criminal Original Petition.

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

7. Perusal of FIR shows that there exist some criminal dispute between the defacto complainant and one Jaba Ruben and the FIR was filed in this regard. Upon filing the FIR, the petitioner along with other accused started harassing the defacto complainant via phone calls. Except Section 506(i) of the Indian Penal Code, the other offence committed by the petitioners under Section 294(b) of the Indian Penal Code is bailable in nature.

8. Considering the facts and circumstances of the case and the nature of dispute, this court grants an order of pre-arrest bail to the petitioner subject to the following conditions.



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(i) The petitioner shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate-III Court, Tiruppur within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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-III, Tiruppur.

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

(iii) The petitioner 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-III, Tiruppur, shall obtain a copy of any one of identity proofs to ensure their identity;

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

(vi) The petitioner 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 petitioner shall not leave India without the prior permission of the



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(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner 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]**.

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-III, Tiruppur
- 2.The Inspector of Police,
15 - Velampalayam Police Station,
Tiruppur City, Tamil Nadu.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12132



R.SAKTHIVEL, J.

bkn

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