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Crl.O.P.No.12069



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12069 of 2024

I.M.Sundaresan
S/o.Munisami

... Petitioner/Accused

Versus

State rep. by
The Inspector of Police,
Latheri Police Station,
Vellore District.
(Crime No.not known 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.not known of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Saravanan

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

ORDER

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



2. The petitioner apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 294(b), 323 and 506(2) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No. not known on the file of the respondent-police.

3. The case of the prosecution is that on 03.05.2024 at about 10.00 a.m, the petitioner along with his wife and sons verbally abused using filthy language and attempted to attack the defacto complainant and also threatened him with dire consequences owing to an existing land dispute. Hence, the case.

4. The learned counsel for the petitioners submitted that since a civil suit pending between the petitioner and the defacto complainant, the *de facto* complainant had lodged a false complaint against the petitioners. He further submitted the petitioner is innocent and has not committed any offence as alleged by the prosecution. Hence, he prayed to grant an order of pre-arrest bail to the petitioner

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had abused the *de facto* complainant with obscene words, attacked him and also threatened him with dire consequences. Hence, he prayed to dismiss this Criminal Original Petition.



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

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7. It is seen from the case records that there is a land dispute between the petitioner and the *de facto* complainant are adjacent land owners. Considering the facts and circumstances of the case, nature of allegations, the fact that petitioner has deep roots in the society with a view to offer an opportunity to reform themselves and 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 petitioner shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate Court, Katpadi, Vellore District 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, Katpadi, Vellore District.

(ii) The petitioner shall appear and sign before respondent Police, weekly once ie., Monday at 10.00 a.m., for a period of eight weeks, from the date of receipt of a copy of this order;



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

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(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, Katpadi, Vellore District, 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 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 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]**.



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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

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, Katpadi, Vellore District.

2.The Inspector of Police,
Latheri Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

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