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Crl.O.P.No.12098



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12098 of 2024

1.Jayasri Menaga
W/o.Charles Inbaseelan

2.Charles Inbaseelan
S/o.Deva Sagayaseelan

... Petitioners/Accused No.1 & 2

Versus

State rep. by
The Station House Officer,
Tindivanam Police Station,
Villupruam District.
(Crime No.321 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 the arrest in Crime No.321 of 2024 on the file of the respondent police.

For Petitioner : Mr.Kannadasan

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)'

<https://www.mhc.tn.gov.in/judis>



[henceforth 'Cr.P.C.'] praying to grant an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent-police for the alleged offences punishable under Sections 323, 294(b) 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 there was a family dispute between the first petitioner's brother and his wife and due to which on 11.05.2024 at about 5:30 PM, the petitioners abused and attacked the defacto complainant using hands and legs and the defacto complainant sustained simple injury. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case. The petitioners are innocent and they have not committed any offence as alleged by the prosecution and the petitioners have permanent residence. Hence, he prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioners have abused the defacto complainant with filthy language and attacked her using hands and legs, due to which the defacto complainant sustained simple injuries. He further submitted that it is a 'case in



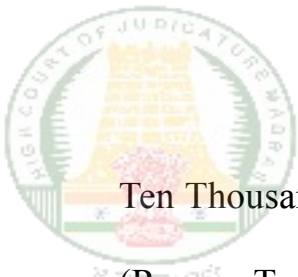
counter' and if pre-arrest bail is granted to the petitioners, they will be emboldened to cause threat to the defacto complainant. Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7. It is seen from the case records that the petitioner and the defacto complainant are family members and there was some family dispute between them. Considering the nature of the dispute between petitioners and the defacto complainant, the fact that petitioners have permanent residence, the nature of the injury allegedly caused by the petitioners to the defacto complainant and with a view to offer one more opportunity to reform themselves, the fact that it is a 'case in counter', 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-I Court, Thiruvallur 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-I,
Thiruvallur.

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

(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-I, Thiruvallur, 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.**

To

1.The Judicial Magistrate-I, Thiruvallur.

2.The Station House Officer,
Tindivanam Police Station,
Villupruam District.

3.The Public Prosecutor,
High Court, Madras.

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R.SAKTHIVEL, J.

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