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Crl.O.P.No.12096



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12096 of 2024

1.Abirami
W/o.Ganesan

2.Ganesan
S/o.Munusami

3.Elumalai
S/o.Sambandham

... Petitioners/Rank not known

Versus

State rep. by
The Inspector of Police,
V7, Nolambur Police Station,
Chennai.
(Crime No.82 of 2023)

... 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.82 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Vivek

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



ORDER

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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 petitioners apprehend arrest at the hands of the respondent-police for the alleged offences punishable under Sections 341 and 324 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 defacto complainant is the nephew of the 1st petitioner. There was a wordy quarrel between the defacto complainant and the petitioners, due to which the petitioners attacked the defacto complainant with glass and the defacto complainant sustained simple injuries. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case. There exist previous animosity and a civil dispute between the petitioners and the defacto complainant. 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.



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5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners have attacked the defacto complainant with glass 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 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. The alleged occurrence took place on 11.04.2023. The petitioner and the defacto complainant are family members and due to wordy quarrel, the petitioners have attacked the defacto complainant with glass. Considering the nature of the dispute between petitioners and the defacto complainant, the nature of the injury allegedly caused by the petitioners to the defacto complainant, the fact that it is a 'case in counter', 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.



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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 Judicial Magistrate Court, Ambattur 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 Court, Ambattur.

(ii) The petitioners shall appear and sign before the Judicial Magistrate Court, Ambattur, twice in a week i.e., Monday and Friday 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 Court, Ambattur, 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



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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 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]**.

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 Court, Ambattur.
- 2.The Inspector of Police,
V7, Nolambur Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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R.SAKTHIVEL, J.

bkn

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