

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.8987 of 2021

Baburaja @ M.K.Balasubramanyam

.. Petitioner/Accused

Vs.

State represented by ... Respondent/Complainant
The Sub-Inspector of Police
F-5, Pathirvedu Police Station
Tiruvallur District
(Crime No.81 of 2021)

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.81 of 2021 on the file of the Respondent / Police, under the alleged offences under sections 341, 294(b), 323, 324, 506(ii) of IPC.

For Petitioner : Mr.V.Ramanareddy

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under **Sections 341, 294(b), 323, 324, 506(ii) of IPC in Crime No.81 of 2021**, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Venkadathri is that on 05.05.2021 at about 10.36 p.m., some unknown persons waylaid the defacto complainant and assaulted him with beer bottle and knife due to which, he sustained head injury. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to previous enmity, the petitioner along with three other accused waylaid the defacto complainant and assaulted him with beer bottle and knife due to which, he sustained head injury and that he was treated as out patient. Hence, he vehemently opposed for grant of anticipatory bail.

5. Taking note of the facts and circumstances of the case and the fact that the defacto complainant was treated as outpatient, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Gummidipoondi, Tiruvallur District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
F-5, PATHIRVEDU POLICE STATION,
TIRUVALLUR DISTRICT.

+1 CC to M/S.V.RAMANAREDDY Advocate on payment of necessary
charges SR.NO.6204

CRL OP.8987/2021

Date :13/05/2021

TA-17/06/2021

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