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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.OP.No.10937/2022

Balaji @ Antony Raj

... Petitioner/A1

Vs

State represented by,
Inspector of Police,
Manavalanagar Police Station,
Tiruvallur.

... Respondent

Prayer:- Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.144 of 2022 on the file of the respondent police.

For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.L.Baskaran
Government Advocate [Crl.Side]

ORDER

- (1)The petitioner/A1, who was arrested on 21.04.2022 for the alleged offences punishable under Sections 147, 148, 294(b), 332, 353 and 307 of IPC r/w 2, 3(1) of TNPPDL Act in Crime No.144 of 2022 on the file of the respondent police, seeks bail.
- (2)The case of the prosecution is that on 20.04.2022, the petitioner who is arrayed as A1, along with other accused approached the defacto complainant who is the Assistant Engineer in TNEB and demanded for uninterrupted supply of electricity and in due course, a wordy quarrel arose and the accused attacked the complainant and caused injuries, resulting in the registration of the case.
- (3)The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the case. He would further submit that the petitioner has got no bad antecedents and that the entire occurrence took place due to wordy quarrel. It is further submitted that the injured was treated as an Out-patient and was discharged from the hospital on the same day itself, i.e., 20.04.2022.



(4) The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the other accused on 20.04.2022 had assaulted the defacto complainant, Assistant Engineer in TNEB due to wordy quarrel and the injured was discharged from the hospital. It is further submission that the accused persons had caused damages worth Rs.10,000/- and he strongly opposed for grant of bail to the petitioner. He also submitted that the investigation is pending.

(5) Taking into consideration the facts and circumstances of the case and also taking note of the fact that investigation is pending and that the injured is discharged from hospital and also taking into consideration the period of incarceration and further that the petitioner has got no bad antecedents and no previous case, this Court is inclined to grant bail to the petitioner.

(6) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees fifty thousand only) with two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Tiruvallur** and on further condition that:

[a] 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 once in two weeks at 10.30 am., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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/-
11/05/2022

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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 JUDICIAL MAGISTRATE,
NO.II, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANAVALANAGAR POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, TIRUVALLUR.

+2 CC to M/S.P.PRINCE PREMKUMAR Advocate on payment of necessary charges SR.NO.6902

CRL OP.10937/2022

Date :11/05/2022

TA-11/05/2022