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Crl.O.P.No.24531 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.24531 of 2022

Prabhu Balaji

... Petitioner

Vs.

State rep by,
Inspector of Police,
T3 Korattur Police Station,
Korattur,
Chennai.
(Crime No.475 / 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant Bail for the petitioner and order to enlarge him on bail in
Crime No.475 of 2022 on the file of the T3 Korattur Police Station, Korattur,
Chennai.

For Petitioner : Mr.G.Pandian

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.09.2022, for the offences punishable under Sections 341, 294(b), 324, 397 and 506(ii) of IPC, in Crime No.475 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner by assaulting the defacto complainant with beer bottle in head, had snatched a mobile phone from him and also abused him in filthy language. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 20 years and there was a quarrel before the TASMACH shop and due to which, a false complaint has been given as if the petitioner robbed the mobile phone of the defacto complainant. He would also submit that the petitioner does not have any previous cases of robbery as against him. Therefore, he prays for grant of bail to the petitioner, by taking into consideration the age of the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner assaulted the defacto complainant with a beer bottle and had robbed his mobile phone. He would also submit that the mobile phone has been recovered and the petitioner has got one previous case on the file of the respondent police for the offences punishable under Section 323 of IPC. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record..

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the age of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with **two sureties, out of which one surety should be either the father or the mother of the petitioner**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Ambattur**, and on further conditions 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, daily at 10.30 a.m., and 05.30 p.m., 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



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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 abscond, a fresh FIR
can be registered under Section 229A IPC.

17.10.2022

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To

1. The Judicial Magistrate, Ambattur.
2. The Inspector of Police,
T3 Korattur Police Station,
Korattur,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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