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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.17544 of 2023

Balaji, ...Petitioner

Vs.

State Rep by
The Inspector of Police,
Tindivanam Police Station
Villupuram District.
(Crime No.248 of 2023). ...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.248/2023 pending on the file of the respondent.

For Petitioner : Mr.A.P.Sathya Murthy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.06.2023 for the offence punishable under Sections 294(b), 323, 397 and 506(ii) of IPC in Crime No.248 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.248 of 2023 for the offences punishable under Sections 294(b), 323, 397 and 506(ii) of IPC. It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated in this case, only to keep him in prison. Petitioner is innocent. Petitioner is in judicial custody from 12.06.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, on 12.06.2023, at about 10.15 p.m., when defacto complainant was standing at Chennai bus stand, accused came there with broken beer bottles, shouting that, he is rowdy in that area. Accused

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threatened the public with broken beer bottle and attacked the defacto complainant. Petitioner has three previous cases pending against him, out of which, one ended in conviction. Thus, he prays for dismissal of this petition.

4. Considering the nature of the allegations made against the petitioner and that petitioner is in judicial custody from 12.06.2023 and having regard to the fact that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-No. I at Tindivanam** 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 morning at 10.30 a.m., and

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05.00 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 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.

18.08.2023

gd/nsl

To

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1. The Learned Judicial Magistrate - No.I,
   Tindivanam.

2. The Inspector of Police,
   Tindivanam Police Station,
   Villupuram District.

3. The Central Prison,
   Cuddalore.

4. The Public Prosecutor,
   High Court of Madras

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G.CHANDRASEKHARAN. J.

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