



Crl.O.P.No.19971 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.O.P.No.19971 of 2023

Balasubramanian

...Petitioner

Vs.

State by,
The Sub-Inspector of Police,
Palladam Police Station,
Palladam, Tiruppur District.
Crime No.845 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.845 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2023 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 341, 368, 427 & 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.845 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of learned counsel for the petitioner that petitioner is the maternal uncle of the girl with whom defacto-complainant's sister's son was in love. On the allegation that petitioner along with others had beaten defacto-complainant and his family members and harassed defacto-complainant's sister, the complaint was given. He further submitted that the parties had entered into a compromise. Defacto-complainant had filed a sworn affidavit before the learned Judicial Magistrate, Palladam, saying that he wanted to withdraw the complaint. Petitioner is in Judicial Custody from 02.08.2023. Thus, he seeks bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant's sister's son was in love with a girl. Enraged at



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their love, girl's relatives including the petitioner on 02.08.2023, at about 12.15 a.m. had waylaid the car in which the defacto-complainant and others were travelling, damaged the car and had beaten the defacto-complainant and his sister.

4.Considered the rival submissions and perused the records.

5.Considering the nature of the allegations made in the First Information Report and the submission of learned counsel for the petitioner that petitioner had entered into a compromise with the defacto-complainant and having regard to the duration of custody, this Court is inclined to grant bail to the petitioner.

6.Accordingly, 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, Palladam** and on further conditions that :-



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[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., 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



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can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate,
Palladam.
- 2.Central Prison,
Coimbatore.
- 3.The Sub-Inspector of Police,
Palladam Police Station,
Palladam, Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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