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Crl O.P.No.2956 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2956 of 2025

Bala alias Sivabalan
S/o Sivamurugan, 35A, EB main road,
Muthuramalinga puram, baikara thirupparankundram,
pasumalai, madurai

Petitioner(s)

Vs

State by Inspector of Police,
Maraimalai Nagar police station Tambaram

CR.NO. 471 OF 2024

Respondent(s)

For Petitioner(s):

Mr.M Balaji

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296 (b), 118(1) and 351(3) of the BNS Act, in Crime No.471 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner (A-2) along



with the other accused persons went to the *de facto* complainant's husband shop and quarreled with her brother. When the same was questioned by the *de facto* complainant's husband, wordy quarrel arose between the parties, as a result of which the *de facto* complainant's husband was attacked and sustained head injuries. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner .

4. The learned Government Advocate (Crl.Side) appearing for the respondent police per contra submitted that the petitioner along with the other accused persons had wordy quarrel with the *de facto* complainant's husband, as a result of which *de facto* complainant was attacked, injured and later discharged from hospital. He submitted that the other co-accused were arrested and released on bail and that there are two previous cases as against the petitioner, he opposed for grant of anticipatory bail to the petitioner.



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

6. Considering the representations made by both sides, that the injured was discharged from the hospital, the nature and gravity of offence charged against the petitioner, fact that the co-accused were arrested and released on bail and since custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the **Judicial Magistrate -II, Chengalpattu** on condition that the petitioners 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[b] the petitioner shall report before the respondent police every day at 10:30 a.m., until further orders;

[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 269 of BNS.

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To,

1.The State by Inspector of Police,
Maraimalai Nagar police station Tambaram
CR.NO. 471 OF 2024

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