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CRL O.P. No.5006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5006 of 2025

Balaji @ Tinku Balaji S/o. Kannan ... Petitioner / A1

Vs

State rep. by:-

The Inspector of Police,
V5 Thirumangalam Police Station,
Chennai.

... Respondent

[Cr. No.48 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in

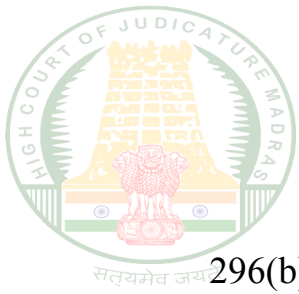
Crime No.48 of 2025 on the file of the respondent police.

For Petitioner : Mr. P. Krishna Moorthy

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest in the hands of
the respondent police for the offence punishable under Sections 329(4),



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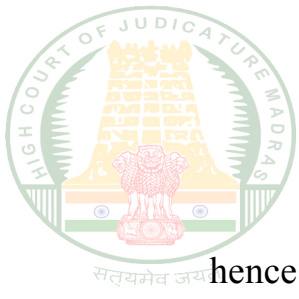
296(b), 351(3) and 308(2) of B.N.S. in connection with the case in Crime

No.48 of 2025, seeks anticipatory bail.

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2. The case of the prosecution is that on 09.01.2025 at about 4.30 hours, there was a quarrel between the parties when the defacto complainant questioned the accused 1 and 2, as they did not make payment for the food consumed by them in the Biriyani shop of the defacto complainant; that also on 01.02.2025, the accused A1 and A2 demanded money for consuming alcohol; and that when the same was refused by the defacto complainant, the accused threatened him and robbed Rs.1200/- from the defacto complainant and attacked him.

3. Learned counsel for the petitioner would contend that the petitioner is innocent; that the allegations against the petitioner are false; that co-accused was arrested and released on bail; that based on the confession of the co-accused, this petitioner has been falsely implicated in this case; that the injured was discharged from the hospital; and that in any case, custodial interrogation of the petitioner is not required and



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hence prayed to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, submitted that the injured was discharged from the hospital; and that there are 8 previous cases pending against the petitioner, however, he is on bail in all those cases.

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

6. Considering the nature of allegations, the fact that the injured was discharged from the hospital, the petitioner is on bail in all the other previous cases, the petitioner is sought to be implicated, based on the confession of the co-accused, co-accused was arrested and released on bail and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.



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7. 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 learned **XIII Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioners shall each execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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 everyday at 10.30 a.m., until further orders;**



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[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;

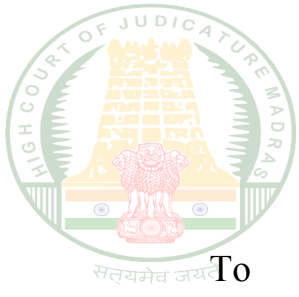
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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To

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1. The XIII Metropolitan Magistrate, Egmore, Chennai
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, V5 Thirumangalam Police Station, Chennai.

SUNDER MOHAN. J.,

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