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Crl.O.P.No.10501 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10501 of 2025

Balu @ Balasubramaniam
S/o. Palanisamy

....Petitioner/Accused 2

Vs

State represented by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District
(Crime No.104 of 2013)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.104 of 2013 on the file of the respondent police.

For Petitioner	: Mr. C.S. Saravanan
For Intervener	: Mr. N. Manokaran
For Respondent	: Mr. S.Balaji Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 324, 427, 506(ii) IPC, in Crime No.104 of 2013, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 01.03.2013, the petitioner along with the other accused attacked the *de facto* complainant and his co-workers when they were working in the field of their employer, due to which they sustained severe injuries. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that the petitioner was not involved in the offence; that he has been falsely implicated in the case and that the petitioner is ready to furnish sufficient sureties and to abide by any conditions that may be imposed by this Court and sought for anticipatory bail to the petitioner.



4. The learned counsel appearing for the *de facto* complainant vehemently opposed to grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that there is a counter case against the *de facto* complainant and that the enquiry is pending.

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that there is a counter case and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before **the learned Judicial Magistrate, Tiruchengode**, on condition that the petitioner



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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 daily 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



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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

08.04.2025

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To

1. The Judicial Magistrate, Tiruchengode
2. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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