



Crl.O.P.No.27852 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27852 of 2022

Ganesan @ Ganesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-7, Chetpet Police Station,
Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the Petitioner on bail in S.C.No.319 of 2021 on the file of the Metropolitan Magistrate, Additional Mahila Court, Allikulam, Chennai.

For Petitioner : Mr.P.Sri Ganesh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.09.2022, pursuant to the non-bailable warrant issued against him on 18.03.2022, in S.C.No.319 of 2021, on the file of the learned Metropolitan Magistrate, Additional Mahila Court, Allikulam, Chennai, for the offence under Sections 341, 294(b), 307 & 506(ii) of IPC, in Crime No.649 of 2020, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is an accused facing trial in S.C.No.319 of 2021 for the alleged offence under Sections 341, 294(b), 307 & 506(ii) IPC, pending on the file of the learned Metropolitan Magistrate, Additional Mahila Court, Allikulam, Chennai. He would further submit that the petitioner was originally arrested and granted bail and thereafter, he has been all along regularly appearing before the Court on all hearing dates. He would also submit that the petitioner, due to his illness, was unable to appear before the Court on 18.03.2022 and since, he did not arrange a counsel, he was unable to file an application under



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317 Cr.P.C, due to which, a Non Bailable Warrant was issued by the learned trial court against him and pursuant to the same, the petitioner was arrested on 26.09.2022. He would further submit that the petitioner is ready to co-operate for speedy disposal of the trial and he is prepared to comply with any stringent condition that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner and if only the petitioner comes out on bail, he will be able to engage a counsel to properly defence his side.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a sole accused and the case was registered only based on the complaint given by his wife and the case is ripe for trail. He would further submit that the petitioner has failed to appear before the Court on 18.03.2022 and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner was arrested on 26.09.2022. He would also submit that the case has now been posted for the appearance of the Advocates. Hence, he would oppose for grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) and perused the materials available on record.

5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel and taking note of the fact that the petitioner except on 18.03.2022, he has been regularly appearing before the court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, 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 Metropolitan Magistrate, Additional Mahila Court, Allikulam, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned Magistrate on all hearing dates 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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1. The Metropolitan Magistrate,
Additional Mahila Court,
Allikulam, Chennai
2. The Inspector of Police,
G-7, Chetpet Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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