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CrI.O.P.No.29048 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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

CrI.O.P.No.29048 of 2022

Ganesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ammamet Police Station.
Salem District.

(Crime No.548/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.548
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

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



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that on account of the dispute regarding collection of vehicle parking fees, the petitioner along with the other accused have abused the de-facto complainant and attempted to murder him with aruval. He further submitted that 2 previous cases are pending as against the petitioner, hence, he vehemently opposed to grant bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that the petitioner has been acquitted in both previous cases which are all registered during the year 2016 and thereafter, no case has been registered against him for the past 6 years. He also stated that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

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



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7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the petitioner has been acquitted in previous cases and also considering period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate No.5, Salem** and on further conditions that:

[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 everyday at 10.30 a.m. and 5.30p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

25.11.2022

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To

1. The Judicial Magistrate No.5,
Salem.
2. The Inspector of Police,
Ammamet Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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