



Crl.O.P.No.17575 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

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

Crl.O.P.No.17575 of 2023

Ganesh @ Ganesh Kumar

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Kaveripakkam Police Station,
Ranipet.

(Crime No.145 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.145 of 2023, on the file of the respondent Police.

For Petitioner : Mr.B.Govinda Prabu

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2023, for the alleged offences under Sections 294(b), 324, 307 & 506(ii) of IPC in Crime No.145 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused persons had abused the defacto complainant in a filthy language and assaulted him with iron rod, due to which, he sustained grievous injuries on his head and hands and further, they have threatened him with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail application in Crl.OP.No.14321 of 2023 vide order dated 27.06.2023 on the ground that the petitioner has got two previous cases of similar in nature. He further submitted that the previous cases are related to the year 2020 and 2021 and for the past two



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years, the petitioner was not involved in any criminal activity. He further submitted that the injured has been discharged from the hospital. He further submitted that the petitioner is in custody from 09.06.2023 and he is ready to abide by any stringent condition that may be imposed by this Court. Therefore, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to previous enmity, the petitioner along with other accused persons had abused the defacto complainant in a filthy language and assaulted him with iron rod, due to which, he sustained grievous injuries on his head and hands. He further submitted that the injured has been discharged from the hospital. Hence, he vehemently opposed for grant of bail to the petitioner.

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. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Walajapettai, Ranipet District**, 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 stay at Chidambaram and report before the Chidambaram Town Police Station, everyday at 10.30 a.m, for a period of four weeks and thereafter, the petitioner shall report before the respondent police, everyday at 6.30 p.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;



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[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.

04.08.2023

drl

To

1. The Judicial Magistrate No.I,
Walajapettai, Ranipet District.
2. The Inspector of Police,
Kaveripakkam Police Station,
Ranipet.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

drl

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