



WEB COPY



Crl.O.P.No.22267 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.22267 of 2023

Ganeshan

...Petitioner

Vs.

State rep. by

The Inspector of Police,

BARGUR Police Station

Krishnagiri District.

(Crime No.47 of 2014)(PRC No.22/2015)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in PRC No.22/2015 on the file of the Judicial Magistrate No.I, Krishnagiri, pending committal.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.09.2023 for the offences punishable under Sections



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120(B), 302, 201 r/w 109 IPC in PRC.No.22 of 2015 on the file of the learned Judicial Magistrate No.I, Krishnagiri in Crime No.47 of 2014 on the file of the respondent, seeks bail.

2. It is the submission of the learned counsel for the petitioner that the petitioner is an accused in PRC.No.22 of 2015 pending on the file of the learned Judicial Magistrate No.I, Krishnagiri. Due to unavoidable reasons, he could not appear before the trial Court on 02.05.2023, resulting in issuance of NBW against him. Then he was arrested on 03.09.2023. Since then, he is in judicial custody. He further submitted that the petitioner would be regular in attending the Court hearings in future. Thus, he seeks bail.

3. Learned Additional Public Prosecutor submitted that, because of the absence of the petitioner, there was a delay in committal of the case.

4. Considered the rival submissions and perused the records of the case.

5. The petitioner is in judicial custody from 03.09.2023. It is the submission of the petitioner that petitioner would be regular in



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attending the future court hearings. In the said circumstances, this Court is inclined to grant bail to the petitioner and 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 **Judicial Magistrate Court No.1, Krishnagiri**, 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 concerned Court on all working days 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.



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G.CHANDRASEKHARAN, J.
mpl

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

27.09.2023

mpl

To

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

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