



Crl.O.P.No.1642 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.1642 of 2024

Ganapathy @ Kannan

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
The Station House Officer,
Nellikuppam Police Station,
Cuddalore.

(Crime No.362 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.219 of 2023 on the file of the Principal District and Sessions Judge, Cuddalore, on such terms and conditions.

For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/A2 in S.C.No.219 of 2023, now pending before the Principal District and Sessions Court, Cuddalore, seeks bail. Originally,



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Crime No.362 of 2023 had been registered for the offences under Sections 147, 148, 294(b), 324, 506(ii) & 302 of IPC. The petitioner had been remanded to custody on 20.08.2023.

2.It is stated that there are two previous cases against the petitioner herein. The application of bail for A1 had also come up for consideration before this Court and the same had been dismissed owing to the fact that there are nine previous cases against A1.

3.It is the case of the prosecution that owing to previous enmity, all the accused, had joined together and committed the murder of the deceased. It is also stated that all the accused had been secured and investigation has been completed and now the matter is under trial before the Principal District and Sessions Court, Cuddalore, in S.C.No.219 of 2023.

4.Taking all the factors into consideration and in order to provide an opportunity to the petitioner to face trial, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Cuddalore, and on further conditions that:

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[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 appear before the Principal District and Sessions Judge, Cuddalore, on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

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

30.01.2023

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C.V.KARTHIKEYAN. J.

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To

- 1.The Principal District and Sessions Judge, Cuddalore.
- 2.Judicial Magistrate No.I, Cuddalore.
- 3.The Superintendent, Central Prison, Salem.
- 4.The Inspector of Police/
The Station House Officer,
Nellikuppam Police Station,
Cuddalore.
- 5.The Public Prosecutor,
High Court of Madras.

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