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CrI.O.P.No.31471 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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

CrI.O.P.No.31471 of 2024

Ganesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-4, Korukkupet Police Station.

(Crime No.395 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.395 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.R.Selvarajkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

Petition seeking bail in respect of Crime No.395 of 2024 registered for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1), 109, 324, 125(a) and 351(3) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 16.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is in no way connected with the alleged offence and the present case has been foisted only for the statistical purpose. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that when the de facto complainant, who is an Auto Driver, had refused to give mamool as demanded by the accused, the accused had abused the de facto complainant and his son in filthy language, assaulted them with hands and a knife causing injuries and by threatening them and public with dire consequences, escaped from the spot. He further submits that the petitioner is 'C' category History sheeted rowdy, against whom, 10 previous cases, including the cases registered for the offences under Section 103 BNS and under NDPS Act, are pending.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration



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undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, George Town**, 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 on everyday at 06.30 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;

[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

A.D.JAGADISH CHANDIRA.,J.



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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 269 of B.N.S.

17.12.2024

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To

1. The XV Metropolitan Magistrate,
George Town.
2. The Inspector of Police,
H-4, Korukkupet Police Station.
3. The Superintendent,
Central Prison - II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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