



Crl.O.P.No.31502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

Crl.O.P.No.31502 of 2024

Ganesh @ Racer Ganesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Korukupettai Railway Police Station,
Chennai.

(Crime No.40 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in P.R.C.No.18 of 2024 on the file of the District Munsif cum Judicial Magistrate Court, Gummidipoondi, in Crime No.40 of 2024, on the file of the respondent Police.

For Petitioner : Mr.K.Tamilvanan

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

ORDER

Petition seeking bail in P.R.C.No.18 of 2024 pending on the file of the District Munsif cum Judicial Magistrate Court, Gummidipoondi, in connection with Crime No.40 of 2024 registered for the offences punishable under Sections 341 and 394 of IPC @ Sections 341 & 397 of IPC , is on board for consideration.



Crl.O.P.No.31502 of 2024

2. The incarceration of the petitioner being from 23.03.2024 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, however, he was implicated in this case since he has several previous cases. He further submits that the investigation has been completed and further, 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 the accused had assaulted the de facto complainant and others, who were travelling along with them in a train, and snatched cash, mobile phones and gold ear stud from them and escaped. He also submits that the case is pending committal on the file of the District Munsif cum Judicial Magistrate, Gummidipoondi, in P.R.C.No.18 of 2024 and now stands posted on 26.12.2024 for issuance of fresh summon to the accused. He further submits that the petitioner is a habitual offender, against whom, 42 similar nature of cases are pending, therefore, if he is released on bail, there is a possibility of him absconding and not available for trial proceedings.



Crl.O.P.No.31502 of 2024

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4. At this juncture, the learned counsel for the petitioner submits that out of 42 previous cases registered against the petitioner, most of the cases were disposed. He also submits that earlier the petitioner was detained under Tamil Nadu Act 14 and the detention order was also quashed by this Court vide order dated 02.08.2024 in H.C.P.No.1374 of 2024. He further submits that the petitioner has a permanent residence and he will cooperate for the trial proceedings. Hence, he prayed for bail.

5. 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 including the counter filed by the respondent Police and taking note of the period of incarceration undergone by the petitioner and that the case is also pending committal in P.R.C.No.18 of 2024, 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 of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Gummidipoondi**, and on further conditions that :



CrI.O.P.No.31502 of 2024

[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 learned District Munsif cum Judicial Magistrate, Gummidipoondi, on all working days at 10.30a.m., until further orders. The petitioner shall also report before the respondent Police, everyday at 6.30 p.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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 269 of B.N.S.

19.12.2024

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Crl.O.P.No.31502 of 2024

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To

1. The District Munsif cum Judicial Magistrate,
Gummidipoondi.
2. The Inspector of Police,
Korukupettai Railway Police Station,
Chennai.
3. The Superintendent,
Central Prison - II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.31502 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.31502 of 2024

19.12.2024