



CrI.O.P.No.31833 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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

CrI.O.P.No.31833 of 2024

Ganga @ Gangatharan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sankarapuram Police Station,
Sankarapuram, Kallakurichi District.
(Crime No.351 of 2005)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in
P.R.C.No.13 of 2014 pending on the file of the Judicial Magistrate,
Sankarapuram, Kallakurichi, in connection with Crime No.351 of 2005.

For Petitioner : Mr.S.Chandrasekaran

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

ORDER

Petition seeking bail in respect of P.R.C.No.13 of 2014 pending
committal on the file of the learned Judicial Magistrate, Sankarapuram,



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Kallakurichi, in connection with Crime No.351 of 2005 registered for the offences punishable under Sections 392, 397 of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner, who is arrayed as A4, facing charges in P.R.C.No.13 of 2014 pending on the file of the learned Judicial Magistrate, Sankarapuram, Kallakurichi. He further submits that since the petitioner was not aware of the case, he was unable to appear before the trial court, thereby, a non-bailable warrant was issued against him and pursuant to the same, he was arrested on 21.08.2024. He also submits that the detention order passed against the petitioner was also set aside by this Court on 14.11.2024. He further submits that the petitioner undertakes that he will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that the petitioner, who is facing charges in P.R.C.No.13 of 2014 before the learned Judicial Magistrate, Sankarapuram, Kallakurichi, has failed to appear before the trial Court, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest



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against him and the same was executed after a great difficulty on 21.08.2024.

Therefore, if the petitioner is released on bail at this stage, there is every possibility of him again absconding and not available for trial proceedings.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration 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 of the sureties should be the blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sankarapuram, Kallakurichi**, 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 appear before the learned Judicial Magistrate, Sankarapuram, Kallakurichi, on all working days at 10.30 a.m., until further orders;



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**[c] the petitioner shall not abscond during trial
and shall co-operate for speedy disposal of the 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.

30.01.2025

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To

1. The Judicial Magistrate, Sankarapuram,
Kallakurichi.
2. The Inspector of Police,
Sankarapuram Police Station,
Sankarapuram, Kallakurichi District.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.

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