



WEB COPY



CrI.O.P.No.10758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10758 of 2023

Vikram @ Gujali

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.91 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in pending investigation in Crime
No.91 of 2023 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.04.2023, for the offence punishable under Sections 147, 148, 341,
294(b) and 307 of IPC, in connection with Crime No.91 of 2023, registered



Crl.O.P.No.10758 of 2023

on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Selladurai was murdered by the defacto complainant, who is a history sheeted rowdy and others and subsequently, he was released on bail in the year 2021. On the date of occurrence ie., 02.04.2023, when the defacto complainant went to the hotel to purchase Dosa along with one Dinesh and Madhan, at that time, the petitioner along with other accused waylaid the defacto complainant and assaulted him with iron rod and also attempted to kill him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed as A9 in this case, is an innocent person and he has nothing to do with the alleged offence. He further submitted that even as per the prosecution, there is no specific overtact attributed as against the petitioner. He also submitted that the injured has been discharged from the hospital and the petitioner is in custody from 04.04.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that due to previous enmity, the petitioner along



Crl.O.P.No.10758 of 2023

with other accused waylaid the defacto complainant, who is a history sheeted rowdy and assaulted him with iron rod and also attempted to kill him. He also submitted that the injured has been discharged from the hospital. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Salem** and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



Crl.O.P.No.10758 of 2023

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, daily 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;

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

10.05.2023

vk

To

1. The Judicial Magistrate No.II,
Salem.



Crl.O.P.No.10758 of 2023

2. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.10758 of 2023

SUNDER MOHAN, J

vk

Crl.O.P.No.10758 of 2023

10.05.2023