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CrI.O.P.No.10787 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.10787 of 2023

Kamalakannan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karuppur Police Station,
Salem District.

(Crime No.134 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in pending investigation in Crime
No.134 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 08.04.2023, for the offence punishable under Sections 341, 294(b) and



Crl.O.P.No.10787 of 2023

307 of IPC, in connection with Crime No.134 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours and due to previous enmity, the petitioner waylaid the defacto complainant and assaulted him with hands and also attempted to kill him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, he has been falsely implicated in this case. He further submitted that he is no way connected with the alleged offence and the petitioner is in judicial custody from 08.04.2023. 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 has waylaid the defacto complainant and assaulted him with hands 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.



Crl.O.P.No.10787 of 2023

WEB COPY

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 considering the period of incarceration undergone by the petitioner and also of the fact that the injured has been discharged from the hospital, 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 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;



WEB COPY



Crl.O.P.No.10787 of 2023

[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

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To

1. The Judicial Magistrate No.II,
Salem.
2. The Inspector of Police,
Karuppur Police Station,
Salem District.



Crl.O.P.No.10787 of 2023

WEB COPY

3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.10787 of 2023

SUNDER MOHAN, J

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Crl.O.P.No.10787 of 2023

10.05.2023