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CrI.O.P.No.12410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

CrI.O.P.No.12410 of 2023

Vikram

... Petitioner

Vs.

State rep by
The Inspector of Police
C-2, Race Course Police Station,
Coimbatore District.

Crime No.82 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.82 of 2023 on the file of
the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr. C.E.Pratap
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 16.02.2023 for the offences punishable under Sections 147, 148, 302, 307



and 506(ii) of IPC @ Sections 120B, 147, 148, 302, 307 and 506(ii) of IPC, in Crime No.82 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Manoj Joshuva is that on account of previous enmity between two groups with regard to the murder of one Sri Ram, the accused had followed the victim and the defacto complainant and committed the murder outside the Court premises, by indiscriminately assaulting him with Aruval. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner, who is aged about 21 years, is an innocent person and he has been falsely implicated in this case, based on the confession of the arrested accused. He also submitted that the petitioner has no previous bad antecedents and he has been detained under Act on 13.03.2023 and it was revoked by the Advisory Board on 21.04.2023. He further submitted that the petitioner is in custody from 16.02.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is arrayed as A14 in this case and he is the member of a gang and the petitioner's gang has rivalry with the



victim's gang on account of the murder of one Sri Ram, due to which, on 13.02.2023, the accused had committed the murder of the victim/Gokul by indiscriminately cutting him with Aruval. He further submitted that the overtact attributed to the petitioner is that he had taken the assailants in the motorcycle after the occurrence and he has harbored them in his house and later, they were arrested. He also submitted that the investigation has been completed and the final report has been filed before the learned Judicial Magistrate No.III, Coimbatore and it is yet to be numbered. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, the period of incarceration undergone by the petitioner and also of the fact that the petitioner has been implicated only based on the confession and he has no bad antecedents, this Court is inclined to grant of 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.III, Coimbatore, 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 learned Judicial Magistrate No.III, Coimbatore, on all working days and also report before the respondent Police, everyday at 6.30 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 petitioners 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]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

19.06.2023

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To

1. The Judicial Magistrate No.III,
Coimbatore.
2. The Inspector of Police
C-2, Race Course Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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