



CrI. O.P. No.13043 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.13043 of 2025

1.Vikram @ Kujali
2.Karthi

... Petitioner/Accused 1 & 2

Vs.

The State represented by
The Station House Officer,
Kitchipalayam Police Station,
Salem District.

(Crime No.103 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.103 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 28.03.2025 seeking bail



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in Crime No.103 of 2025 registered for the offences under Sections 126(2), 296(b), 309(4), 311 and 351(3) of BNS, 2023.

2. The case of the prosecution is that on 28.03.2025 at about 8.00 a.m., while the defacto complainant was going by walk near Erumapalayam, the petitioners had waylaid the defacto complainant, abused him in filthy language, assaulted him and robbed Rs.4,000/- at knife point. Hence, the case.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; and that the petitioners are in custody from 28.03.2025 and hence, they may be released on bail.

4.Learned Government Advocate (CrI.Side) appearing for the respondent police while opposing the grant of bail to the petitioners, reiterated the prosecution case and on instructions submitted that the first petitioner has been detained under Tamil Nadu Act 14 of 1982 and that the second petitioner has four previous cases and he is on bail in those cases.



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5. Since the first petitioner has been detained under Tamil Nadu Act 14 of 1982, this bail petition is dismissed as against the first petitioner. As far as the second petitioner is concerned, considering the nature of allegations, the period of incarceration, the fact that the he is on bail in the previous cases and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the second petitioner alone with certain conditions.

6. Accordingly, the second 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate – III, Salem**, and 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 second petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the second petitioner shall not abscond either during investigation or trial;



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[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 B.N.S.

28.04.2025

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To

- 1.The Judicial Magistrate – III, Salem.
- 2.The Station House Officer,
Kitchipalayam Police Station,
Salem District.
3. The Superintendent of Prison, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J.
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