

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17128 of 2020

Sigamani @ Melvin

... Petitioner

Vs.

The State rep by

... Respondent

The Inspector of Police,
F-5 Pathirvedu Police Station,
Tiruvallur.

(Crime No.1051 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to grant bail to the petitioner/Accused in Crime No.1051 of 2020 on the file of the respondent.

For Petitioner : Mr.D.Manoj Kumar

For Respondent : Mr.Barathachakravathy

Public Prosecutor, Puducherry

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.08.2020 for the offence "**Women Missing**" later altered into **Section 201 and 302 of IPC, in Crime No.1051 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Vikram is that his sister Priyanka's husband had passed away and thereafter, she along with her 12 year old son started living with one Gordon Dominic Brogan at Chennai. On 07.07.2020, the defacto complainant received a call from the said Gordon Dominic Brogan stating that his sister had taken some cash from him and absconded leaving her son. Thereby, the defacto complainant had arranged for the travel of his sister's son to come to Hyderabad by Air. Thereafter, since the defacto complainant entertained a doubt with regard to missing of his sister, he had given a complaint to the respondent police based on which, originally the case was registered

for "woman missing". During the course of investigation, it came to light that A1 to A3 who are the adjacent land owners of the said Gordon Dominic Brogan, had committed the murder of the said Priyanka and had buried the body near a farm to screen the evidence which was later disclosed by one of the accused to Gordon Dominic Brogan who in turn, informed the same to the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A3 in this case and he has been falsely implicated in this case since he happens to be known to A1 in this case. He would submit that the petitioner was arrested on 19.08.2020 and he has been suffering incarceration for more than 75 days. Hence, he prays for grant of grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) Would submit that the victim was originally living with one Gordon Dominic Brogan in a Dog farm and A1 who is the neighbouring land owner, had also developed intimacy on her. Later, when A1 had compelled her to marry him and she refused the same and also scolded him. Thereby, A1 to A3 committed the murder of the deceased and thereafter in order to screen the evidence, they buried the body inside a pit in the farm. Later, the petitioner disclosed the same to A4 and A4 in turn disclosed the same to the defacto complainant. He would further submit that insofar as the petitioner is concerned, he was also present in the scene of occurrence and he also instigated A1 to commit the murder and thereafter, helped A1 to bury the body. He would further submit that the investigation is in the crucial stage and the respondent have brought the son of the deceased from Hyderabad to record his statement under Section 164 Cr.P.C. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is aged 19 years and he has been unnecessarily dragged into this case since he happens to be the friend of A1. He would further submit that the petitioner is prepared to abide by any stringent condition and he is also prepared to stay away from the scene of occurrence.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to **execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties out of which, one surety shall be either the father or the mother of the petitioner, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gummidipundi** and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may

obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall on his release from prison, shall stay at Cuddalore and report before the Old Town Police Station, daily at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

03/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned.

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
COURT, GUMMIDIPUNDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
F-5 PATHIRVEDU POLICE STATION,
TIRUVALLUR.

5 THE SUPERINTENDENT
PUZHAL CENTRAL JAIL.

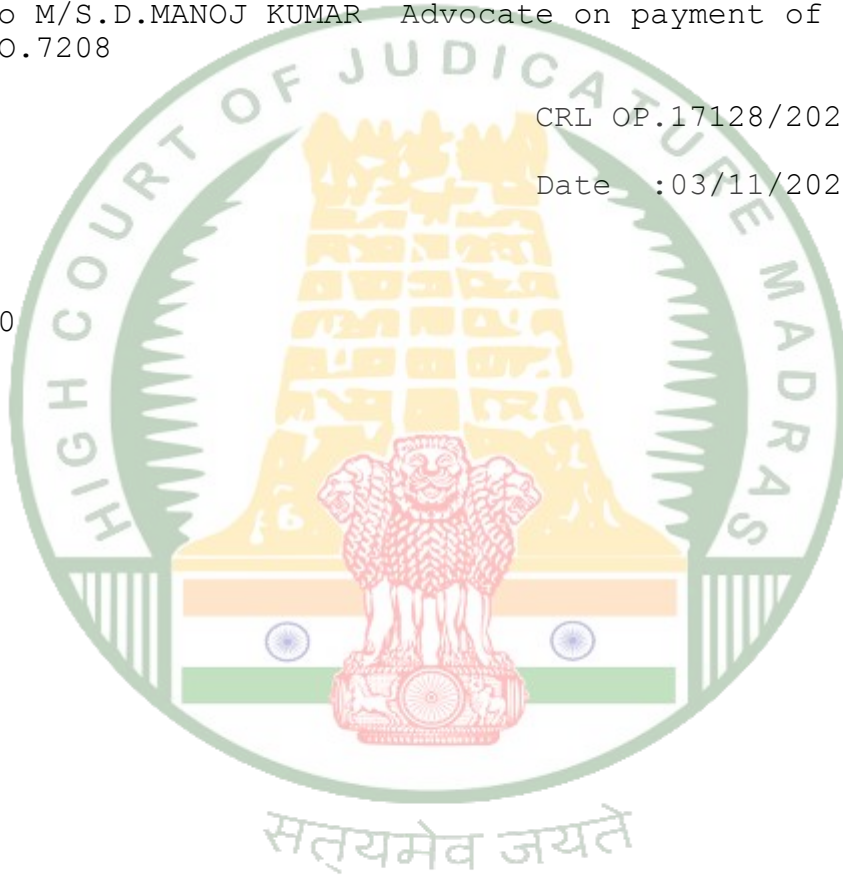
6 THE OFFICER INCHARGE,
OLD TOWN POLICE STATION,
CUDDALORE.

+1 CC to M/S.D.MANOJ KUMAR Advocate on payment of necessary
charges SR.NO.7208

CRL OP.17128/2020

Date :03/11/2020

TA-04/11/2020



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