



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.14775 of 2020

Silambu @ Silambarasan

... Petitioner/Accused No.10

Vs

The State rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.546/2020

... Respondent/Complainant

For Petitioner : Mr.P.Balasubramanian,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

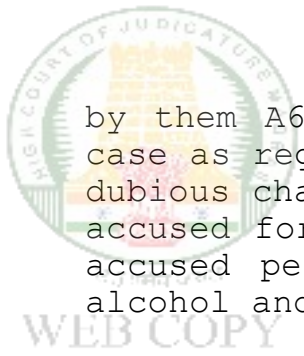
PRAYER :-

For Bail in Crime No.546/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A10, who was arrested and remanded to judicial custody on 22.10.2020 for the offences punishable under Section Man missing @ 302 of IPC @ 147,148,302 r/w.120(b) @ 147,148,302,r/w.120 (b), 212 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 15.10.2020 the defacto complainant lodged a complaint stating that her younger son who is a auto driver by profession attached to Thiruppuvanam auto station had gone for duty on 13.10.2020 and did not return back home till 15.10.2020. On receipt of complaint a case came to be registered as Man Missing. On 16.10.2020 at about 1.00 pm., the respondent received information that a male body was found in the vaigai river, back side of the Velammal CBSE School, Thiruppuvanam and the body was identified as that of the defacto complainant's younger son Vijay. A1 to A5 surrendered before the learned Judicial Magistrate NO.VI, Madurai and gave confession and based on the confession given



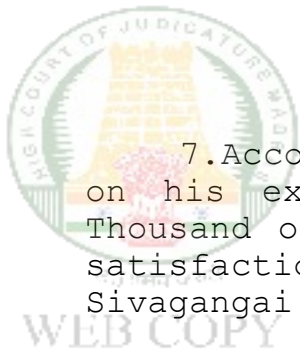
by them A6 to A10 were arrayed as accused in this case. In this case as regards this petitioner the deceased seems to be person with dubious character and he had also invited one of the brother of the accused for homo sex, which triggered the issue. Therefore all the accused persons who are the friends of the deceased had consumed alcohol and thereafter done away the life of the deceased.

3.The learned counsel for the petitioner would submit that the name of the petitioner does not found place in the First Information Report and the deceased is a notorious person involved in several illegal activities and having lot of enemies. The petitioner is implicated as an accused based on the confession given by the co-accused and no weapon recovered from this petitioner and he was not present in the scene of occurrence. He would also submit that the petitioner is in jail for the past 82 days, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is notorious rowdy element and having four previous cases in Crime No. 108/2017 for the offence under Sections 394 of IPC of Koodavilai Police Station, Madurai, Crime No.242/2017 for the offence under Section 34,392 of IPC of Solavandhan Police Station, Crime No.319 of 2019 for the offence under Section 399 of IPC of Thiruppuvanam Police Station , Sivagangai and Crime No. 73 of 2020 for the offence under Sections 294(b), 323, 324, 506(ii) of IPC of Thiruppuvanam Police Station. The petitioner herein had supplied weapons to other accused persons to do away the life of the deceased. The petitioner herein along with other accused had met before the occurrence and after the occurrence had again met and disposed the body in to the river. He would also submit that respondent police completed investigation and filed final report before the learned Judicial Magistrate, Thiruppuvanam and the same has been taken cognizance in PRC. No.02 of 2021.

5.It is seen that the petitioner herein is arrayed as accused based on the confession given by the co- accused and nothing has been recovered from the petitioner. It is the specific case that the petitioner herein had given weapon and after assault the weapon was also returned back to him. Though the petitioner had four previous cases and he is in bail in those cases. The petitioner was not present in the scene of occurrence. The respondent police has also completed investigation and also filed final report before the learned Judicial Magistrate, Thiruppuvanam and the same has been taken cognizance in PRC. No.02 of 2021.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruppuvanam, Sivagangai District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders except the days when his presence required before the concerned Court.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/01/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3.THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.14775 of 2020
Date :18/01/2021

AAV
TK/PN/SAR.3/18.01.2021/4P/6C