



Crl.O.P.No.28706 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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

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Thaniyarasu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vaduvur Police Station,
Thiruvarur District.

(Crime No.77/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with PRC.No.26 of
2022 on the file of the Judicial Magistrate No.I Mannargudi in Crime No.77
of 2022 on the file of the respondent Police.

For Petitioner : Mr.J.Jawahar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2022 in connection with Crime No.77 of 2022 registered for "Woman Missing" and later, altered to the offences punishable under Sections 302, 380 & 201 IPC, on the file of the respondent Police, seeks bail.

2. On the complaint given by *de-facto* complainant Ganagaraj is that his mother aged about 55 years was found missing, a case in crime No.77 of 2022 has been registered by the respondent Police for "woman missing". Later, her body was found buried in river bed and during the course of investigation, it came to light that the accused who are the neighbours of the *de-facto* complainant had kidnapped the *de-facto* complainant's mother and committed murder and taken away her jewels and thereafter, to screen the evidence had buried the body in the river bed. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been arrested only based on



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the circumstantial evidence and also stated that the co-accused who has been arrested is granted bail by the learned Principal Sessions Judge, Thiruvavarur in Crl.M.P.No.1079 of 2022 dated 02.08.2022. He also submitted that the investigation has been completed and the final report has also been filed and taken up in P.R.C.No.26 of 2022. He also stated that the petitioner is in custody from 29.04.2022, hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case of murder for gain and the case has been detected on the basis of the circumstantial evidence. He further submitted that the allegation as against the petitioner is that he along with the other accused had kidnapped the mother of the *de-facto* complainant and committed murder and taken away her gold jewels. He also stated that the stolen properties have been recovered and the respondent has completed investigation and filed the final report in P.R.C.No.26 of 2022, which is committed to the Court of Sessions and there are 26 witnesses in this case and the case now stands posted on 30.11.2022 for appearance of the other accused, however, he opposed to grant bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and taking note of the fact that the case is committed to the Court of Sessions and also considering the fact that the co-accused has been granted bail, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Mannargudi**, 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;



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[b] the petitioner shall report before the learned Principal Sessions Judge, Thiruvarur, on all working days at 10.30 a.m., for one month and thereafter, on the dates fixed by the learned judge;

[c] the petitioner shall not enter into the jurisdictional limits of the respondent Police Station, until further orders;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] 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]**;

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

23.11.2022

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To

1. The Principal Sessions Judge,
Thiruvarur.
2. The Judicial Magistrate No.I,
Mannargudi.
3. The Inspector of Police,
Vaduvur Police Station,
Thiruvarur District.
4. The Central Prison,
Trichy.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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