



CrI.O.P.No.6182 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

CrI.O.P.No.6182 of 2023

Sanjai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vikravandi Police Station,
Villupuram District.

(Crime No.483 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.483 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.12.2022, in connection with Crime No.483 of 2022 registered for “Man Missing” and altered for the offences punishable under Sections 147, 148, 120(b), 201, 328, 364, 302 of IPC, on the file of the respondent police, seeks bail.

2. On the complaint given by the *de-facto* complainant, Kaliyamoorthi that his son, Kaviyarasu, aged about 26 years, was found missing, a "man missing" case in Crime No.483 of 2022 was registered by the respondent Police. During the course of investigation, it came to light that due to the previous enmity, the accused had kidnapped the victim to a secluded place and made him to consume liquor and committed murder of him, by assaulting him with deadly weapons all over his body, thereby, the case has been altered to one under 147, 148, 120(b), 201, 328, 364 & 302 of IPC. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 20 years and he has been falsely



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implicated in this case. He also submitted that the de-facto complainant had suspected only 3 other persons, whereas, the petitioner has been implicated only based on the confession statements recorded from the other accused and also submitted that absolutely there is no eye-witness to the occurrence. He further submitted that the petitioner is in custody from 20.12.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that due to the previous enmity, the petitioner along with other accused had kidnapped the victim to a secluded place and made him to consume liquor and committed murder of him by assaulting him with deadly weapons. He further submitted that the investigation is pending, therefore, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Vikravandi**, 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 respondent Police, everyday at 10.30 a.m. and 5.30p.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



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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]***;

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

17.03.2023

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To

1. The Judicial Magistrate,
Vikravandi.
2. The Inspector of Police,
Vikravandi Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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