



Crl.O.P.No.7475 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

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

Crl.O.P.No.7475 of 2023

1. Baskar

2. Velmurugan @ Dhadi Velu

3. Manohar

4. Saravanan

... Petitioners

Vs.

The State represented by,
The Station House Officer
Mudaliarpet Police Station,
Puducherry.

(Crime No.165 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.165 of 2022, pending investigation on the file of the respondent
Police.



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For Petitioners : Mr.M.R.Thangavel
For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
Assisted by Mr.A.Alexander
Government Advocate (Crl.Side)

ORDER

(This case has been heard through Video Conferencing)

The petitioners, who were arrested and remanded to judicial custody, in connection with Crime No.165 of 2022, registered for “Woman Missing” and altered for the offence punishable under Sections 302, 201 r/w 34 of IPC, on the file of the respondent police, seek bail.

2. The *de-facto* complainant, Valli has lodged a complaint stating that her elder sister Ezhil @ Rajalakshmi was married to A1/Baskar, 25 years ago. After marriage, her sister did not come to her parental home or attended any functions. While so, A1 was in prison and he came out on parole during 2013 and during that time, her sister Ezhil alone came to her parental home. Later, A1 came to their home and convinced her sister and taken her, thereafter, her sister was not found and when the de-facto complainant has enquired A1, he had threatened her stating that her sister has gone away with



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someone. Thereby, based on her complaint, a “Woman Missing” case in Crime No.165 of 2022 was registered by the respondent Police on 23.11.2022. During the course of investigation, it came to light that A1, who is the husband of the de-facto complainant's elder sister/victim, along with other accused has committed murder of the victim and to screen the evidence, buried the body in Uzhanthai lake bund and subsequently, during the development activities in the said lake, the accused have thrown the left-over decomposed corpse in the lake, thereby, the case has been altered to one under Sections 302, 201 r/w 34 of IPC. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and the present case has been foisted against them using the de-facto complainant. He further submitted that the alleged offence is stated to have been committed during the year 2013, whereas, the complaint has been lodged during November 2022 and the petitioners were arrested only on 24.11.2022 & 26.11.2022 respectively. He further submitted that it is the case of circumstantial evidence and other than the confession statement alleged to have been recorded from the accused and the recovery of the saree belonging to the deceased, no other materials are available to



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connect the petitioners in the crime. He further submitted that the investigation has been completed and the final report has also been filed before the learned Principal Sessions Judge, Pondicherry and it is yet to be numbered. He also submitted that the petitioners are in custody for more than four months, hence, he prayed for grant of bail to the petitioners.

4. Learned Public Prosecutor (Puducherry) appearing for the respondent police submitted that the petitioners are habitual offenders against whom, several cases are pending. He further submitted that based on the complaint given by the *de-facto* complainant, a woman missing case came to be registered in Crime No.165 of 2022 and later based on confession statement recorded from the accused, it came to light that the first accused along with other accused has committed murder of his wife/elder sister of the *de-facto* complainant and concealed the same. He also submitted that saree of the deceased was also recovered. He further submitted that since the petitioners are habitual offenders, if the bail is granted to them, there is every possibility of them to abscond and which would derail the progress of the trial. Thereby, he vehemently opposed for grant of bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that all



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the previous cases pending against the petitioners are registered prior to the year of 2015 and in all the cases, the petitioners have been granted bail and they have been regularly appearing before the Court concerned without fail. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.

6. Heard the learned Counsel for the petitioners and the learned Public Prosecutor (Pondicherry) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the case has also been taken up for trial and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty**



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Five Thousand only) with two sureties, for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Puducherry**, 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 petitioners shall report before the learned Principal Sessions Judge, Puducherry, on all working days at 10.30 a.m., and also report before the respondent Police, on every Saturday at 6.30 p.m., until further orders;

[c] the petitioners shall not abscond during trial;

[d] the petitioners shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*;



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

05.04.2023

ham/vkr

To

1. The Judicial Magistrate No.III,
Puducherry.
2. The Principal Sessions Judge,
Puducherry.
3. The Station House Officer
Mudaliarpot Police Station,
Puducherry.
4. The Central Prison
Kalapet.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

ham/vkr

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