



CrI.O.P.No.27879 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.27879 of 2023

Saman S/o. Varadharaj

...Petitioner/Accused

Vs.

State represented by the
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.

(Crime No.70 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No. 70 of 2023 on the
file of respondent police on such terms and conditions.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)



Crl.O.P.No.27879 of 2023

WEB COPY

ORDER

The petitioner/A2 seeks bail in Crime No.70 of 2023, registered by the respondent police for the offences punishable under Sections 201, 302 & 364 of IPC. The petitioner had been remanded to custody on 16.09.2023.

2.On 06.03.2023, the wife of the defacto complainant had given a complaint stating that her husband was missing from at about 2.00 p.m. The case in Crime No.70 of 2023 was registered as “man missing”. Later, after about six months, on 08.09.2023, one of the villagers had gone over to the hill and saw a dead body and informed the police and on identification, it was found that it was the husband of the defacto complainant. The body was decomposed.

3.It is the case of the prosecution that the accused had given money to the deceased to take them to the forest to find treasure. But since he did not return the money nor did not get the treasure, he was taken to the hill and there he was murdered.



Crl.O.P.No.27879 of 2023

WEB COPY

4.The learned counsel for the petitioner stated that the petitioner had paid a sum of Rs.10,000/- to the father of the deceased for funeral expenses and he is also a neighbour and therefore stated that the petitioner is innocent.

5.It is also stated that the petitioner had appeared before the police for enquiry and had co-operated during the course of investigation. The occurrence was on 06.03.2023 and the body as such was recovered only after six months on 08.09.2023.

6.It is stated that all the other accused are still absconding but it is reliably informed that they have been identified and would be taken into custody.

7.The one change in circumstance from the previous date when earlier application for bail had been dismissed is that a report relating to the deceased and the manner in which he died has been received. The petitioner has now been in custody for the past 85 days.

8.Taking into consideration all these facts, I am inclined to grant



CrI.O.P.No.27879 of 2023

bail to the petitioner subject to the following conditions:

9. 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, each for a like sum to the satisfaction of the Judicial Magistrate, Denkanikottai, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed



CrI.O.P.No.27879 of 2023

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 absconds, a fresh FIR can be registered under Section 229A IPC.

13.12.2023

ata

C.V.KARTHIKEYAN. J.



WEB COPY

To



CrI.O.P.No.27879 of 2023

ata

1. The Judicial Magistrate, Denkanikottai.
2. The District Prison, Dharmapuri.
3. The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.27879 of 2023

13.12.2023