



CRL OP(MD). No.18326 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18326 of 2023

K.Selvaraj @ Varichur Selvam @ Selvam

... Petitioner / Accused No.1

Vs

The State rep by
The Inspector of Police,
Villoor Police Station,
Madurai District.
Crime No. 61/2023.

... Respondent / Complainant

For Petitioner : M/s.Shreedhar M, Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 61 of 2023 on the file of the respondent police.



CRL OP(MD). No.18326 of 2023

ORDER: The Court made the following order :-

WEB COPY

The petitioner/A1 who was arrested and remanded to judicial custody on on 18.09.2023 for the alleged offence punishable under Man Missing subsequently, altered into Sections 120(B),364,302 and 201 of IPC in Crime No.61 of 2023, on the file of the respondent police, seeks bail.

2. The defacto complainant is the wife of the deceased. On 15.09.2023 the defacto complainant lodged complaint stating that her husband used to go to Kerala for work and during that period he involved in a case in Kerala for which he was in prison for six years and thereafter he returned home and then stayed at Villoor with her for some days. In the month of August 2018 the husband of the defacto complainant had done to Trichy for work. Subsequently he has not contact her and he has not returned home till date. Hence she gave a complaint and a case was registered as Manmissing. In the meantime a news was published in newspaper on 03.07.2023 that the petitioner has murdered one person at Tuticorin b y hitting him with car and thrown the dead body in Tambirabarani river, but at that time the petitioner was in prison in respect of Virdhunagar East Police Crime No.41 of 2021. On confession given by the petitioner in Crime No. 41 of 2021 it is revealed that the petitioner along with two others have committed murder of the husband of the defacto complainant and based on the said confession further investigation was



CRL OP(MD). No.18326 of 2023

WEB COPY

done and it was revealed that the husband of the defacto complainant earlier worked as driver of the petitioner from the year 2009 and subsequently he joined with rival group and instigated them to demand money from the petitioner in respect of another criminal activity of the petitioner. Hence the petitioner had decided to murder the husband of the defacto complainant and executed the same. Accordingly on 01.09.2018 the petitioner and two others have asked the husband of the defacto complainant to come to Pandiapuram toll gate and all of them have gone in a car bearing Reg. No. TN 59 CC 0100 and whey they came near Valasamudram three of them alighted from the car and except the petitioner who was driving the car. The petitioner has further driven the car , A2 has made the husband of the defacto complainant to fall down and the petitioner has driven the car over the husband of the defacto complainant more than 10 times and crushed him and thereafter the accused persons have transferred the crushed body into a gunny bag and thrown the same in Thambirabarani river. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the case has been registered in pursuance to the complaint given by the defacto complainant/Sugantha for the murder of her husband. Initially a case was registered as Man missing and subsequently altered to sections 120(B),364,302 and 201 of IPC. He would further submit that as per alteration report the respondent



CRL OP(MD). No.18326 of 2023

WEB COPY

police came to know about the murder of the deceased Easwaran on 03.07.2023 when the petitioner came confession with regard to the case in Crime No.41 of 2021 for the offences under Sections 147,148,364,302,404,201 of IPC r/w. 149,120(B) of IPC and Section 25(1A) and 25(1B)(b) of Arms Act. He would further submit that though the respondent came to know about the occurrence on 03.07.2023 they have not taken any action to register the First Information Report. They obtained complaint from the wife of the deceased on 15.09.2023 and the First Information Report was registered only on 15.09.2023 for Man missing and not for murder. Further the wife of the deceased did not state anything about his working place and under whom the petitioner is working as driver . But as per the confession given by the petitioner he was working as driver for a long period under him. Further the body of the deceased was not recovered and there is no eye witnesses to the said occurrence. He would further submit that the petitioner is in jail from 18.09.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner has murdered the husband of the defacto complainant in a brutal manner and further the petitioner is having 18 previous cases, of which 10 cases are disposed of and the remaining cases are pending, Hence, he strongly objected to grant bail to the petitioner.



CRL OP(MD). No.18326 of 2023

WEB COPY

5. Taking into consideration the nature of allegations and the previous bad antecedents of the petitioner this Court is not inclined to grant bail to the petitioner.

6. Hence the petition stands dismissed.

sd/-
12/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Inspector of Police,
Villoor Police Station,
Madurai District.

2.The Superintendent,
Central Prison, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.18326 of 2023
Date :12/10/2023

ED/DD/SAR- (17/10/2023) 5P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023