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CrI.O.P.No.17699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.17699 of 2024

Sivashankar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
Crime No.753 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail in S.C.No.131 of 2023 pending on
the file of Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila
Court.

For Petitioner : Mr.A.Ashwinkumar

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.12.2022, for the alleged offences punishable under Sections 302, 201,
120B, 364, 394, 109 & 506(2) of IPC, in Crime No.753 of 2022, on the file of



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the respondent police, seeks bail.

2. On the complaint given by the de-facto complainant that her mother aged about 72 years was found missing, a case in Crime No.753 of 2022 has been registered by the respondent Police for "women missing". During the course of investigation, it came to light that the accused had borrowed a sum of Rs.30,000/- from the deceased and she demanded the return of the said amount. The petitioners have made arrangement for the return, but it is complained that the deceased had only humiliated the accused person. On the date of occurrence, the first accused along with another accused took the deceased to his house, murdered her and then buried her in the prayer room of his house. It is further alleged that the petitioner robbed the deceased's jewels. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the third bail petition filed by the petitioner. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for



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more than 600 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the mother of the defacto complainant was found missing and when they made enquiries, it came to be known that the daughter of the accused had borrowed money from the deceased and the deceased had demanded money. It is further stated that the accused persons had murdered her and buried her in their own house and they also robbed the deceased's jewels. He further stated that the property was recovered. He would further submit that the investigation was completed and the charge sheet was also filed and the trial has also been commenced. However, he vehemently, opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.



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6. Considering the submissions of the learned counsel on either side, considering the period of incarceration undergone by the petitioner and taking note of the fact that the investigation was completed and the trial is in progress and most of the witnesses have been examined and also considering all other factors, I am inclined to grant bail to the petitioner, subject to 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, each for a like sum to the satisfaction of the Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Villupuram, and on further conditions that:-

[a] the petitioner shall report before the trial Court everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during



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investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Judicial 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

12.08.2024

drl

To

- 1.The Sessions Judge, Magalir Neethi Mandram,
Fast Track Mahila Court, Villupuram.
- 2.The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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