



Crl.O.P.No.17254 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17254 of 2025

Senthilbabu

... Petitioner/A10

Vs.

State Rep. By
The Inspector of Police,
Mahalingapuram Police Station.
Coimbatore District.
(Crime No.82 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in Crime No.82 of 2025 pending on the file of the respondent police station.

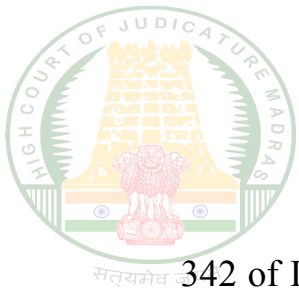
For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

For Intervenor : Mr.E.Sathiyaraj

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2025, for the offences punishable under Sections 118(1) and 127(2) of BNS @ 127(2), 61(2), 103, 302 and 3(5) of BNS, 2023 (Section 324 and



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342 of IPC @ 342, 120B, 302, 298 and 34 of IPC) in connection with Crime No.82 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the de-facto complainant's son, 22 years old is mentally retarded person. The de-facto complainant admitted his son in Yuthira Charitable Trust, Mahalingapuram. On 15.05.2025, A1 called the de-facto complainant and informed that his son is missing, when they took the de-facto complainant's son to Azhiyar Park. Later, on verification it was found from social media that the de-facto complainant's son was man handled. Hence, the case.

3. The contention of the learned counsel for petitioner is that the petitioner is father of A5, who is a Trustee. A5 along with other accused as trustees, running Yuthira Charitable Trust at Mahalingapuram, who are counselling and curing the disabilities of mentally disordered persons. The de-facto complainant's son Varunkanth, a mentally challenged person affected by ADHD, was admitted in the said Centre on 02.02.2025, Varunkanth alleged to be attacked by A1 to A3, later died on 12.05.2025. Hence, the above case. As regards the petitioner is concerned he is said to



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have suggested to his son/A5 and to other accused, how to dispose the body.

Thereafter, the body buried in the land of A3. What had happened between 02.02.2025 to 15.05.2025 and what was informed to de-facto complainant about her missing son is not known to the petitioner. The petitioner's overt act is after the alleged murder of de-facto complainant's son. Hence, he prays to grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposing grant of bail to the petitioner submitted that A1 called the de-facto complainant on 15.05.2025 and informed that her son was found missing from the Centre and asked her to lodge a complaint as 'Man Missing' and a case in Crime No.79 of 2025 registered on 16.05.2025 for 'Man Missing'. Later during investigation A3 was enquired, who confessed, deceased was attacked using Stump and Cricket Bat on 12.05.2025 and thereafter he was disposed on 13.05.2025. Suppressing all these facts, de-facto complainant informed as though her son was found missing, hence, initially a Man Missing complaint registered, later altered on 23.05.2025 for offence under Sections 118(1), 127(2), 61(2), 103, 302, 3(5) of BNS, 2023. The body was exhumed on 24.03.2025 in the presence of



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Tahsildar, Pollachi from the land of A1, A3 and A5 in Servarkarampalayam, Pollachi. The petitioner is father of A5.

5.The learned Government Advocate further submitted that from the confession statement of the accused/A3 the Inspector of Police arrested the accused and the details are as follows:

<i>Accused Rank</i>	<i>Accused Name</i>	<i>Arrest Date</i>	<i>Remand Details</i>	<i>Recovery Details</i>
A1	Kavitha/Founder of the Trust	27.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	Broken Cricket Bat, Nylon Rope
A2	Nitheeshkumar/Care Taker	23.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	Blood stained bed sheet, stained bed part, steel pipe contain with plastic chair
A3	Giriram/Coach cum Trustee	23.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	Cricket Stemp
A4	Sruthi/daughter of A1/One of the Trustee	27.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	Honda Car TN33 BS6271
A5	Saji/Care Taker and Food Management cum trustee	27.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	Orange colour file, plastic pipe, one Mahindra Jeep, Computer along with CPU
A6	Sheela/Women Care Taker	27.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	--
A7	Ranganayagi/Care takers cum cook	23.05.2025 Still in prison	Learned Judicial Magistrate-II,	--



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Accused Rank	Accused Name	Arrest Date	Remand Details	Recovery Details
			Pollachi	
A8	Sathish/Care taker	27.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	--
A9	Shreya/daughter of A1 and Trustee	27.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	--
A10	Senthilbabu/father of A5	23.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	--
A11	Lakshmanan/husband of A1	27.05.2025 Still in prison	Learned Judicial Magistrate-II, Pollachi	--

All the accused are still in prison, the petitioner arrested only on 23.05.2025 and investigation is pending. Hence, he strongly opposed for granting bail to the petitioner.

6.The learned counsel appearing for the de-facto complainant/intervenor submitted that her son was admitted for treatment in the Centre, run by a Trust on 02.02.2025. A1 to A3 and others in the Centre on 12.05.2025 attacked her son violently and caused his death. Suppressing the same, A1 called the de-facto complainant and informed that her son was found missing and to cover up the same the de-facto complainant was asked



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to lodge a complaint for missing of her son. She lodged a complaint and a case in Crime No.79 of 2025 registered as 'Man Missing'. Later it revealed that her son was done to death by the trustees, care takers and employees of the Centre and body was buried. The petitioner played an active role in disposal of the body of Varunkanth. Further the petitioner is father of A5, a Trustee. The petitioner is well aware about the working of the Trust, Centre and murder of Varunkanth, and actively took part in disposal of the dead body, but now projects ignorance.

7. Considering the submission made and on perusal of the material, it is seen that the petitioner's role is with regard to disposing of the body of the victim. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on her 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 learned **Judicial Magistrate-II, Coimbatore**, and on further conditions that:

[a] the sureties shall affix their photographs and



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Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[d] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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M.NIRMAL KUMAR, J.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate No.II,
Coimbatore.

2.The Inspector of Police,
Mahalingapuram Police Station.
Coimbatore District.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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