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Crl.O.P.No.19044 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19044 of 2025

Giriram

... Petitioner/A3

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.S.N.Arun Kumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

For Intervenor : Ms.S.Elvinniha

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.05.2025, for the offences punishable under Sections 127(2), 61(2), 103,
302 and 3(5) of BNS (Sections 302, 342, 298, 34 and 120B of IPC) in



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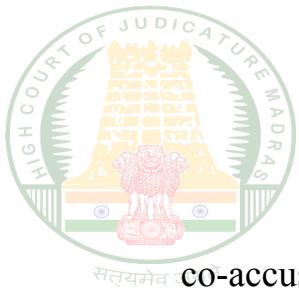
connection with Crime No.82 of 2025, registered on the file of the
respondent, seeks bail.

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2. The case of the prosecution is that the de-facto complainant's son, 22 years old is mentally challenged 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 that the de-facto complainant's son was man handled. Hence, the case.

3. The contention of the learned counsel for petitioner/A3 is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner/A3 is a sports coach to the inmates of the Trust. He left Singapore on 09.05.2025 for his business purpose. When he was in Singapore, on 12.05.2025, he was informed about the death of one of the inmates. Thereafter he came back to India on 13.05.2025. The only allegation against the petitioner is that the petitioner contacted A10 and asked how to dispose the body of the deceased.

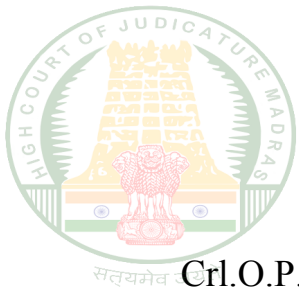
4.The learned counsel for petitioner further submitted that the



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co-accused/A10, A4 & A9, A7, A11 were granted bail by this Court in Crl.O.P.Nos.17254, 18724, 18659 and 18729 of 2025 on 20.06.2025 and 01.07.2025, respectively. Hence, he prayed to grant bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed for granting bail to the petitioner submitting 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 petitioner/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 was 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 Tahsildar, Pollachi from the land of A1, A3 and A5 in Servarkarampalayam, Pollachi. He further submitted that the co-accused/A10, A4 & A9, A7, A11 were granted bail by this Court in



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Crl.O.P.Nos.17254, 18724, 18659 and 18729 of 2025 on 20.06.2025 and 01.07.2025, respectively.

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6.The learned counsel appearing for the de-facto complainant/intervenor strongly objected to the petitioner's contention stating that A1 called the de-facto complainant and informed that her son was found missing and asked her to lodge a complaint for missing of her son. Further, it is the petitioner/A3, who informed the de-facto complainant that her son was found missing when he was taken to Azhiyar. The petitioner was very much aware about the occurrence and gave false information to the parents of the deceased and took all steps to remove the body and destroying the evidence in the case.

7. Considering the submissions made and on perusal of the material, it is seen that the petitioner is a Tennis and Cricket coach in the trust and on the date of occurrence the petitioner was in Singapore. Further, this Court on a similar circumstances granted bail to the co-accused/A10, A4 & A9, A7 and A11. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. 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 learned **Judicial Magistrate No.II, Pollachi**, and on further conditions that:

[a] the sureties shall affix their photographs and 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 report 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



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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]**;

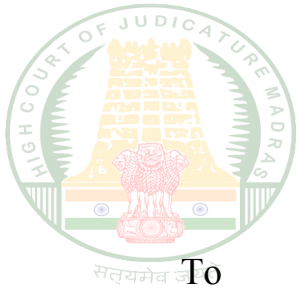
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

04.07.2025

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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.



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To

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1.The Judicial Magistrate No.II,
Pollachi.

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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M.NIRMAL KUMAR, J.

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