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Crl.O.P.Nos.19608 & 19619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.19608 & 19619 of 2025

Shaji

... Petitioner/A5 in
Crl.O.P.No.19608/ 2025

Kavitha

... Petitioner/A11 in
Crl.O.P.No.19619/ 2025

Vs.

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

... Respondent in all Crl.O.Ps.

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



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For Petitioners : Mr.S.N.Arun Kumar

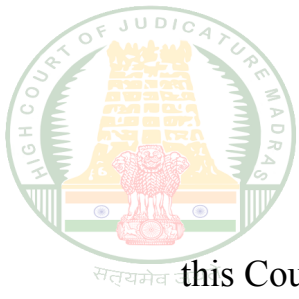
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.05.2025, respectively, for the offences punishable under Sections 118(1) and 127(2) of BNS @ 103(1), 127(2), 302, 3(5) and 61(2) of BNS, 2023 (Section 324 and 342 of IPC @ 302, 342, 298, 34 and 120-B of IPC) in connection with Crime No.82 of 2025, registered on the file of the respondent, seek bail.

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 learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the co-accused have been granted bail by



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this Court. Hence, they prayed to grant bail to the petitioners.

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4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting bail to the petitioners 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 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 Tahsildar, Pollachi from the land of A1, A3 and A5 in Servarkarampalayam, Pollachi. He further confirmed the fact that the co-accused have been granted bail by this Court.

5. Considering the submission made and on perusal of the material



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and also considering the fact that the similarly placed co-accused have been granted bail by this Court, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Coimbatore**, respectively, 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 petitioners shall report before the respondent Police everyday at 10.30 a.m. until further orders;**

[c] the petitioners shall make themselves available for interrogation by a Police Officer as and when required;

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

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they shall



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comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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];

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

10.07.2025

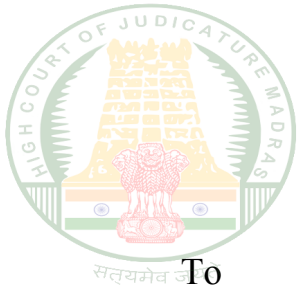
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Note :

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.

M.NIRMAL KUMAR, J.

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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 Superintendent,
Special Prison for Women,
Coimbatore.

5.The Public Prosecutor,
High Court of Madras.

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