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Crl.O.P.No.20449 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20449 of 2025

B.Sathish

... Petitioner/A8

Vs.

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

... Respondent

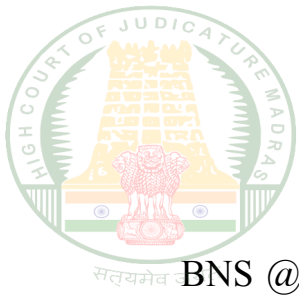
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in Crime No.82 of 2025 pending on the file of the respondent police station.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.05.2025, for the offences punishable under Sections 118(1), 127(2) of



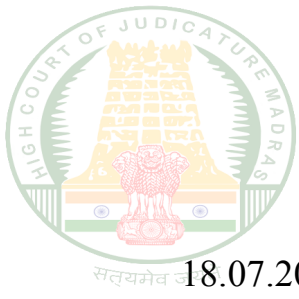
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BNS @ 127(2), 61(2), 103, 302 and 3(2) of BNS, 2023 in connection with Crime No.82 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the de-facto complainant's son aged about 22 years old is a 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 is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is only a paid employee of the trust as Caretaker, further the petitioner joined the Trust 3 months before the occurrence. The petitioner was not present in the occurrence place and no knowledge about the said incident. He further submitted that the co-accused/A6, A3, A10, A4 & A9, A7, A11 were granted bail by this Court in Crl.O.P.Nos.20320, 19044, 17254, 18724, 18659 and 18729 of 2025 on

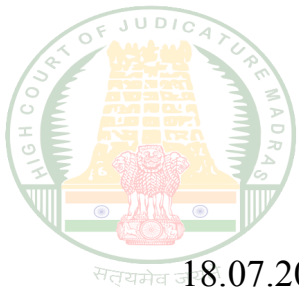


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18.07.2025, 04.07.2025, 20.06.2025 and 01.07.2025, respectively. Hence, he prayed to grant bail to the petitioner.

4.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 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/A6, A3, A10, A4 & A9, A7, A11 were granted bail by this Court in Crl.O.P.Nos.20320, 19044, 17254, 18724, 18659 and 18729 of 2025 on



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18.07.2025, 04.07.2025, 20.06.2025 and 01.07.2025, respectively.

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5. Considering the submissions made and on perusal of the material, it is seen that the petitioner is only a paid employee of the trust. Further, this Court on a similar circumstances granted bail to the co-accused/A6, A3, A10, A4 & A9, A7 and A11. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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, Coimbatore**, 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;**



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

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

[e] 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;

[f] 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]**;

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

21.07.2025

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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

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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M.NIRMAL KUMAR, J.

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