



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.34243 of 2025

Silambarasan

Petitioner

Vs

The State Represented by
The Inspector of Police,
Arambakkam Police Station,
Gummudipoondi Taluk,
Tiruvallur District.
Crime No.169 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner in Crime No.169 of 2025 on the file of the respondent police.

For Petitioner:

Mr.S.Gopi

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



on 21.10.2025 for the alleged offence punishable under Sections 103 and 238 of BNS, 2023 in Crime No.169 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner is the husband of the defacto complainant and that, due to matrimonial dispute, the petitioner allegedly strangled her by using a rope and subsequently took the body to the lonely place and buried the same. Though the occurrence is said to have taken place on 14.08.2025, the petitioner was arrested on 21.10.2025. Based on his statement, the body was exhumed from the place of burial, and he was arrested and is in judicial custody.

3. Learned counsel appearing for the petitioner submitted that the petitioner is in judicial custody from 21.10.2025 and he has been falsely implicated in this case. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation in this case is pending; that the petitioner not only murdered the victim but also buried the dead body. He further submitted that the petitioner is having one previous case under Section 506(ii) of IPC.



Hence, he opposes to grant bail to the petitioner.

5. Considering the submissions made by the learned counsel on either side and on perusal of the FIR, it is seen that it is a case of strangulation and burial of the dead body. Though it is stated that the petitioner has one previous case under Section 506(ii) IPC, taking into account the period of his incarceration and the considering the motive behind the occurrence, 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 her executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties, for a like sum to the satisfaction of the *learned District Munsif cum Judicial Magistrate, Gummudipoondi*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m., until further orders.



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

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

[e] On breach of any of the aforesaid conditions, the learned 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 B.N.S.

15.12.2025

drl



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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 District Munsif cum Judicial Magistrate,
Gummudipoondi.
2. The Inspector of Police,
Arambakkam Police Station,
Gummudipoondi Taluk,
Tiruvallur District.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.,

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