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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 25/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.14853 of 2023

Boyz Mani @ Mani Murugan

: Petitioner/ A2

Vs.

State through
Inspector of Police,
E-5, Mattuthavani Police Station,
Mattuthavani,
Madurai City,
Madurai.

(Crime No.165 of 2023)

: Respondent/ Complainant

For Petitioner : Mr.Niranjan S.Kumar, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER:-For Anticipatory Bail in Crime No.165 of 2023 on the file of the Respondent Police.**ORDER:** The Court made the following order:-

The petitioner, who is arrayed as A2 apprehends arrest at the hands of the

<https://www.spcourtindia.org> respondent police for the offences punishable under sections 147, 364(A), 365, 324



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and 506(ii) IPC, in Crime No.165 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he is doing cinema finance business and also the President of Jallikattu Association, Madurai. In the course of the above said Jallikattu events, one Saravanan @ Gundu Saravanan became his friend. On 26/04/2023, he returned to his home town from Chennai. At about 07.0 pm, he along with one AC Pandi, went to Kingfisher Bar for taking liquor. At that time, Saravanan @ Gundu Saravanan along with his friends also came there. They asked him to board a Car. Suspecting their behaviour, he refused. He was assaulted by Saravanan @ Gundu and put inside the Car forcibly. When the neighbours gathered, on hearing the noise of the de-facto complainant, one Boyz Moani threatened the neighbours with knife. Again, he was assaulted by Saravanan @ Gundu Saravanan. He was taken forcibly in the above said Car to Pudupatti. In that place, one Dhakasekaran and Dhanapal were present. He was forced to get down from the Car. They demanded Rs.10,00,000/- for releasing him. He was also criminally intimidated. Later he contacted her wife. She sent 34 sovereigns of gold jewels. That was handed over to one Dhanasekaran. It was intimated to Saravanan @ Gundu Saravanan, Boyz Mani and others. Again, he was taken into the Car and



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dropped at about 04.00 am near Madurai KK Nagar, ICICI Bank. On the basis of the above said occurrence, a case in Crime No.165 of 2023 was registered for the offences stated above.

3.Now seeking anticipatory bail, this petition has been filed by Boyz Mani @ Mani Murugan on the ground that there is a long delay in lodging the complaint; The de-facto complainant cheated several persons, over which, a case in Crime No.279 of 2010 was also registered on the file of the Thirunagar Police Station, Madurai; Similarly, a case in Crime No.94 of 2023 was also registered against the de-facto complainant on the file of the Teyampet Police Station; Because of the enmity and motive in the cinema industry, he has been purposely implicated; Gold ornaments weighing about 39 sovereigns have been recovered from A1 namely Saravanan @ Gundu Saravanan and he was also arrested on 30/04/2023 and remanded to judicial custody.

4.Heard both sides.

5.The earlier petition, which was moved by the petitioner in CrI.OP(MD) No.8469 of 2023 was dismissed not only on merits, but considering the antecedents of the petitioner. At that time, it was informed to the court that he is having eight previous cases. Considering the antecedents, that was dismissed. Against which, he



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moved SLP before the Hon'ble Supreme Court in SLP(Crl)No.8774 of 2023. That was dismissed as withdrawn, on 31/07/2023. Subsequent to that, this petition has been filed on the ground of change of circumstance. In that petition, it has been stated that on 01/08/2023, A3 and A4 granted bail by the Principal District Judge, Madurai, in CrI.MP No.4303 of 2023.

6.Per contra, the learned Additional Public Prosecutor would submit that the petitioner is involved in several previous cases, among which section 25(1A) of Arms Act is also involved. Apart from that, he has shifted his residence to Mumbai and doing some sort of illegal activity there. According to him, even as per the merits of the case, he is not entitled for anticipatory bail.

7.He has further stated that after the dismissal of SLP as withdrawn, no ground has been made out by the petitioner to grant anticipatory bail.

8.Per contra, the learned counsel appearing for the petitioner would submit that out of six previous cases, all other are petty offence in nature, except the offence in Crime Nos.411 of 2014, all other cases have been either disposed of or Action Dropped. Even as per the allegation that has been made in FIR, that too after a long delay, no specific overact has been attributed against this petitioner.

9.Even though, the co-accused has been granted regular bail, the fact remains that the offence of kidnapping for ransom is a serious offence. No doubt that jewels



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involved in the above said case has been recovered, but that will not enure to the benefit of the petitioner. So the argument that no specific overtact has been attributed against this petitioner and the co-accused has been granted regular bail will not enure to the benefit of this petitioner.

10.Regarding the previous cases, it was submitted by the petitioner that the allegation in Crime No.411 of 2014 is that on the date of the filing of the FIR, the police party intercepted, a two wheeler bearing registration No.TN-57-F-5425. The petitioner was apprehended and on search, he was found in possession of country made revolver with 12 bullets. It is also referring to FIR 412 of 2014, the date of the occurrence is stated as 31/12/2014 at about 03.45 hours. The accused name is mentioned as Selvan, S/o.Chinnaiya. But that charge recorded on 31/12/2014 under section 41(II) Cr.P.C.

11.According to the learned counsel appearing for the petitioner, the vehicle TN-57-F-5425 is the subject matter of the case in Crime No.412 of 2014. According to him, it is a false case foisted upon the petitioner.



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12. Now whatever it may be, now the trial is pending and it is for the trial court to decide the truth of the above said offence.

13. Now coming back to the FIR, there is specific allegation to the effect that along with Saravanan @ Gundu Saravanan, this petitioner also came and forcibly put the de-facto complainant into the Car and kidnapped him to Pudupatti area, where they have demanded ransom. The offence of this nature cannot be taken lightly and the discretionary power cannot be exercised for granting anticipatory bail to the petitioner.

14. For all the reasons stated, I find no reason to entertain this petition. Accordingly, this criminal original petition is **dismissed**.

sd/-
25/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

TO

1 THE INSPECTOR OF POLICE
E5, MATTUTHAVANI POLICE STATION,
MATTUTHAVANI,
MADURAI CITY,
MADURAI



2B THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-12870[I] dated 28/08/2023)

ORDER
IN
CRL OP(MD) No.14853 of 2023
Date :25/08/2023

SS/VRS/05/09/2023/7P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023