



CRL OP(MD). No.21385 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Annadurai

... Petitioner/ Accused 6

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Sakkottai Police Station,
Sivagangai.
Crime No.233 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.Hentri Tiphagne, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime no.233 of 2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 191(2), 191(3), 296(b), 115(2), 118(1), 140(3), 329(4), 305(a) and 351(3) of BNS Act, in Crime No. 233 of 2024 on the file of the respondent police, seeks anticipatory bail.

2(i).The case of the prosecution is that the defacto complainant has a wife and 13 year old son and 3 year old daughter, who were all staying at Malaysia. There were some transactions between the defacto complainant and A1, where the defacto complainant is said to have borrowed money from A1.

(ii).On 24.06.2024 at about 12 noon, when the defacto complainant came to India, he is said to have been kidnapped by A2 to A5 in a Car in the guise of talking a compromise in the pending money dispute. He was kept as a captive at a Coconut grove. There he was abused in filthy language and he was assaulted and he was also threatened with dire consequences and he was told that he must sell his house property. He was kept as a captive for nearly five hours. The wife and children were kept as captive in Malaysia by A1. Thereafter, the defacto complainant was taken from the Coconut grove at about 9.00 p.m., and he was taken to a different place till the next day. From there he was taken to Karaikudi for the purpose of preparing sale deed and for the purpose of purchasing stamp papers. All his



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signatures were secured. From there he was taken to the Trichy Airport and from there he went to Thiruthani. For nearly 14 days, he was kept in a Lodge at Chennai.

(iii).Again on 15.07.2024, the signatures were secured and the defacto complainant was taken to Madurai, He stayed there for one day. From there, he was taken to Cochin on 11.07.2024, then, he was sent to Malaysia. After getting down in Malaysia, A1 is said to have caught hold of the defacto complainant and he was informed that he must not tell about this incident to anyone. He was kept in house as a captive at Malaysia and nearly 53,000 ringgit was taken from the wife of defacto complainant.

(iv).On 21.07.2024, the defacto complainant once again returned to Cochin Airport. From there A3 and A4 took the defacto complainant to Karaikudi and kept him there till 23.07.2024.

(v).At this juncture, the petitioner/A6, who is said to be the brother of A1 entered the scene. It is alleged that A2 to A6 threatened the defacto complainant by showing aruval and forcibly took him to Sub-Registrar Office at Karaikudi, The sale deed was executed and the house property belonging to the defacto complainant was sold in favour of A5. He was kept for a further period of three days and sent back to Malaysia. In Malaysia, once again A1 took control of the defacto complainant and he was detained for nearly one week. Thereafter, the defacto complainant somehow



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managed to escape and the whole incident was informed to the Indian Embassy at Malaysia.

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(vi).A complaint came to be given and the FIR came to be registered, There are totally seven accused persons in this case and the petitioner has been arrayed as A6.

3.Heard, the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4.In the considered view of this Court, the manner in which the entire incident had taken place requires a thorough investigation. The whole incident came to light only after the complaint was given to the Indian Embassy at Malaysia. Except A4, no one else has been arrested in this case. A1 is conveniently sitting in Malaysia and the petitioner is the brother of A1 and he is said to be a Panchayat President.

5.The learned counsel for the petitioner submitted that except for the allegation that A6 was present at the scene on a particular day along with two other accused persons and threatened the defacto complainant, there is no other allegation as against A6. He further submitted that A6 is attempted to be roped in this case only because he happens to be the relative of A1.

6.In the considered view of this Court, this case is not as simple as it is attempted to be projected by A6. This case requires a thorough investigation and it



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also requires custodial interrogation. The manner in which, the defacto complainant was taken from one place to another as is alleged in the complaint by keeping the wife and children as captive in Malaysia by A1, makes it clear that allegations are very serious. If any of the accused persons are granted anticipatory bail at this stage, all the accused persons will follow suit and seek for anticipatory bail and the entire investigation will be derailed. It is very crucial for the Police to get hold of A1 in this case and it is informed that already Look-out Circler has been issued against A1. This Court does not find any merits in this petition and this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/12/2024

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/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO
1 THE SUB INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION,
SIVAGANGAI.

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



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ORDER
IN
CRL OP(MD) No.21385 of 2024
Date :06/12/2024

SA/GSV/SAR. /17.12.2024/6P/3C

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