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CrI.O.P.No.16863 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16863 of 2025

Lakshmipathy

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
the event of his arrest in Crime No.325 of 2025 on the file of the respondent
Police Station.

For Petitioner : Mr.V.Karthick

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
Police for the offences punishable under Sections Man Missing @ to 189(2),
140(3), 296(b), 115(2), 127(2), 309(4) and 351(2) BNS in Crime No.325 of



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2025, on the file of the respondent Police, seeks anticipatory bail.

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2.The case of the prosecution is that the defacto complainant, Suseendiran, a Cinema Director lodged a complaint to the respondent Police stating that on 29.05.2025, his Assistant Director Rajkumaran had lunch in the office at 2.00 p.m, thereafter, he left office, but not returned back to the office. When the defacto complainant called Rajkumaran through mobile phone, Rajkumaran's mobile phone was switched off. On the complaint of defacto complainant, an FIR in Crime No.325 of 2025 has been registered under 'Man Missing'. During enquiry, it came to light that there was previous enmity between Rajkumaran and one Daniel, due to which, Daniel engaged the petitioner and nine others and kidnapped Rajkumaran.

3.The learned counsel for petitioner submits that the petitioner is an innocent person and he has nothing to do with the alleged offence. He further submits that due to dispute previous enmity, Daniel engaged the petitioner and others and kidnapped Rajkumaran. Further, only on the confession of co-accused, the petitioner is arrayed as accused. He further submits that the petitioner is ready to abide by any stringent condition that



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may be imposed by this Court.

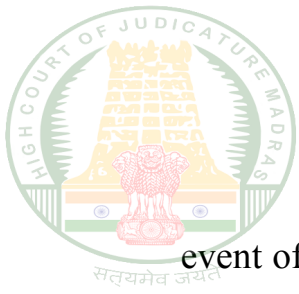
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4.Learned Government Advocate (Criminal Side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that initially the FIR has been registered under 'Man Missing' and during enquiry, it came to know that the petitioner, who is A10, along with nine others kidnapped Rajkumaran for money, hence, Section altered to 189(2), 140(3), 296(b), 115(2), 127(2), 309(4) and 351(2) of BNS. He further submits that the petitioner is arrayed as accused based on the confession of the co-accused and that one of the accused Senthamizhan was granted anticipatory bail by this Court in Crl.O.P.No.16579 of 2025 on 17.06.2025.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the co-accused granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the



event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned V Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

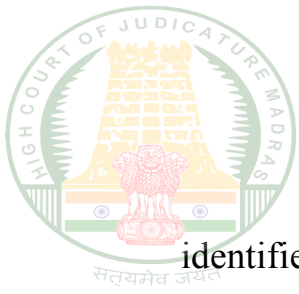
[b]The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c]the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make themselves available for interrogation by a Police officer as and when required;

[f] the petitioner to give an undertaking that if required for being



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identified by witnesses during investigation or for Police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

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

[h] 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 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)AIR SCW 5560];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

26.06.2025

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To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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