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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).3773 of 2025

Karuppusamy

... Petitioner / Accused No.12

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.485 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.485 of 2024 on the file of the respondent-police.

For Petitioner : Mr.B.Santhanam Rajesh Kumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioner / Accused No.12 was arrested and remanded to judicial custody on 15.12.2024 for the alleged offences punishable under Sections 61(2), 115(2), 127(2), 140(1), 103(1) and 238 of BNS, 2023, in Crime No.485 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that Accused No.1 and the deceased, Thiru Kannan, were close relatives. The deceased and A1's daughter were in a romantic relationship. On 17.10.2024, A1's daughter eloped with the deceased. Subsequently, Accused Nos. 1 to 3 began searching for the couple. On 10.12.2024, they located the deceased near Mattuthavani wine shop in Madurai. The accused forcibly abducted the deceased using a Nissan Sunny car bearing Registration No.TN-85-E-7735. A1 repeatedly questioned the deceased about Sathya's whereabouts, but the deceased did not respond. Enraged by his silence, A1 along with the other two accused, assaulted the deceased with their hands. Unfortunately, the deceased succumbed to the attack and died. Following this, A1 abandoned the deceased's body near a bridge. On 12.12.2024, Accused Nos. 1 to 3 voluntarily surrendered before the respondent-police. Hence, the case.



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4. Mr.B.Santhanam Rajesh Kumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is only an auto driver and he has been falsely implicated in the present case. He further submits that the petitioner has been in judicial custody since 15.12.2024. He further submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor, appearing for the respondent-police, submits that the petitioner has been arrayed as Accused No.12. He further submits that the petitioner, along with the other accused persons, kidnapped the deceased with the intention to commit murder, and the petitioner followed the car in which the deceased was abducted. He further submits that the accused persons conspired together and committed the offence of murder. The learned Additional Public Prosecutor further states that the investigation is still pending and therefore at this stage, if the petitioner is released on bail, he will abscond and cause threat to the defacto complainant and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.



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6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 15.12.2024 and he has been in incarceration since then. Upon perusal of the records, it is revealed that the petitioner was present near the scene of occurrence. To be noted, the above view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not cause prejudice to the rights of the petitioner to defend the case during the Trial. It is further to be noted that the investigation in this case is at crucial stage and therefore if bail is granted to the petitioner, he will abscond and cause threat to the defacto complainant and tamper with the evidence. In view of the same and considering the facts and circumstances of the case and also considering the alleged overt act attributed to the petitioner, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-

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

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1 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

2 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI, SIVAGANGAI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.3773 of 2025
Date :27/02/2025

SS/SKN/SAR- /13/03/2025/ 5P/4C

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