

CRL.OP (MD) No.8373 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.05.2025**

**CORAM**

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**CRL.OP (MD) No.8373 of 2025**

Mariaraj,  
S/o.Savarimuthu

... Petitioner / Accused No.1

**Vs.**

State of Tamil Nadu through,  
The Inspector of Police,  
Tallakulam Police Station,  
Madurai City.  
(Crime No.446 of 2025)

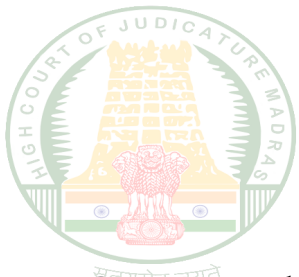
... Respondent / Complainant

**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 connection with the Crime No.446 of 2025 on the file of the respondent-police.

For Petitioner : Mr.S.Sukumar,  
Advocate.

For Respondent : Mr.S.S.Manoj,  
Government Advocate  
(Criminal Side)

For Intervener : Mr.T.K.Gopalan,  
Advocate



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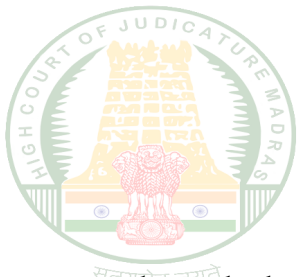
**ORDER** : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 05.05.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in connection with the Crime No.446 of 2025 on the file of the respondent-police.

2. The petitioner / Accused No.1 was arrested and remanded to judicial custody on 16.04.2025 for the alleged offences punishable under Sections 305(a), 137(2) @ 305(a), 137(2), 111(3), 61(2) and 49 of BNS, 2023, in connection with the Crime No.446 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 07.04.2025, the defacto complainant lodged a complaint stating that his wife's brother had gone missing from his residence on 06.04.2025. He further alleged that, in the meantime, certain important documents, a hard disk, and CCTV were also found to be missing from the premises. Initially, the respondent-police identified three individuals as accused in the FIR and subsequently arrested nine other persons allegedly involved in the incident. The respondent-police further stated that there was a civil dispute between the victim and the petitioner/Accused No.1 regarding property situated in Dindigul



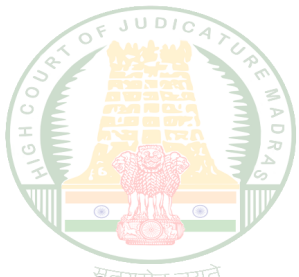
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and Kodaikanal. Based on this, the petitioner/Accused No.1 was arrested that he had conspired with the other accused persons in the kidnapping of the victim. Hence, the case.

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4. Mr.S.Sukumar, the learned counsel for the petitioner, submitted that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submitted that the civil dispute between the parties has been ongoing for the past 10 years. Even according to the CCTV footage, the victim is seen voluntarily accompanying the alleged persons, and there appears to be no use of force or coercion against him. Furthermore, there is no previous case pending against the petitioner, and he has been in judicial custody since 15.04.2025. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prayed to grant bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-police, submitted that the FIR was initially registered against three unknown persons. However, during the course of investigation, it was revealed that Accused Nos.1 to 12 were involved in the commission of the offences.



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On 06.04.2025 at around 08.00 a.m., when the defacto complainant's brother-in-law, viz., Sundaram, was at his residence, he was kidnapped by three persons in a car. Investigation further revealed that a property dispute exists between the victim and A1. He further submitted that A1 demanded the victim to execute sale deeds in his favour and the same was refused by victim. Consequently, all the accused conspired and kidnapped the victim in a car on 06.04.2025, took him to various places upto Nagpur, and he was ultimately rescued on 15.04.2025. The investigation is at a nascent stage. He further submitted that the investigating agency collected the Call Detail Records (CDR), which *prima facie* established the involvement of the petitioner in the crime. He also submitted that A1 has three previous cases including 302 of IPC and therefore, the learned Government Advocate strongly opposed the grant of bail to the petitioner, stating that if the petitioner released on bail, the petitioner may pose a threat to the victim, the defacto complainant, and their family, and may also tamper with the evidence. Accordingly, he prayed to dismiss the petition.

6. Mr.T.K.Gopalan, the learned counsel for the intervener, submitted that a civil case pertaining to the disputed property was posted for hearing on 08.04.2025 before this Court. Two days prior to the hearing, the present incident occurred. He



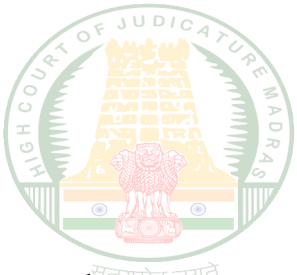
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further submitted that the accused persons coerced the victim to act according to their wishes in order to usurp the disputed property. They took him to various places and assaulted him. He also submitted that the accused had stolen electronic devices from the victim's house. He emphasized that the present case amounts to an organized crime. However, the victim was fortunately rescued alive. He, therefore, strongly opposed the grant of bail to the petitioner, stating that if the petitioner is released on bail, he will cause threat to the victim, the defacto complainant, and their family, and may also tamper with the evidence. Accordingly, he prayed for the dismissal of the bail petition.

7. This Court has heard the learned counsel on either side and perused the materials available on record.

8. Considering the rival contentions made by the learned counsel on either side and upon perusal of the materials available on record, including the Call Detail Records (CDR), it *prima facie* appears that the accused persons were involved in the alleged conspiracy. Taking into account the fact that the investigation is still at a nascent stage, the gravity of offence and also taking note of the previous antecedents against the petitioner, this Court is of the view that if bail is granted to the petitioner,



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he may cause threat to the defacto complainant and other witnesses and try to erase the evidence. Hence, this Court is of the view that further custody of the petitioner is absolutely necessary to unearth the truth. Hence, this Court is not inclined to grant bail to the petitioner at this stage.

9. In the result, this Criminal Original Petition is dismissed.

Sd/-

09/05/2025

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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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**To**

1.The Inspector of Police,  
Tallakulam Police Station,  
Madurai City.

2.The Superintendent, Central Prison, Madurai.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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ORDER

IN

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Date :09/05/2025

RK(14/05/2025) 7P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.