

CRL.OP (MD) No.8569 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2025

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THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.8569 of 2025

Janamenthiran,
S/o.Muthukumarasami

... Petitioner / Accused No.7

Vs.

State of Tamil Nadu through,
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
(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.

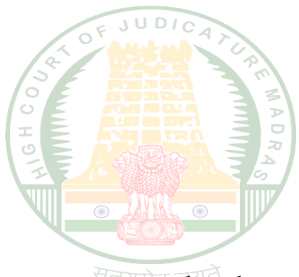
For Petitioner : Mr.S.Sathish,
Advocate.

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

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.05.2025
under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to



CRL.OP (MD) No.8569 of 2025

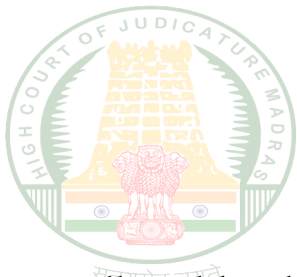
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grant bail to the petitioner in connection with the Crime No.446 of 2025 on the file of the respondent-police.

2. The petitioner / Accused No.7 was arrested and remanded to judicial custody on 15.04.2025 for the alleged offences punishable under Sections 305(a), 137 (2) @ 305(a), 140(2), 111(3), 61(2), 49, 127(2) and 351(2) 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 and certain important documents, a hard disk, and CCTV equipment were also found to be missing from the premises. Initially, the respondent police identified three individuals as accused in the FIR and subsequently found that nine other persons were involved in the incident and arrested them. The respondent-police further stated that there was a civil dispute between the victim and the Accused No.1 regarding property situated in Dindigul and Kodaikanal. Hence, Accused No.1 kidnapped the victim with the help of other accused persons including the petitioner herein who acted as the driver of the vehicle used in the commission of the offence. Hence, the case.

4. Mr.S.Sathish, the learned counsel for the petitioner, submitted that the petitioner is an innocent person and that he has not committed any offence as

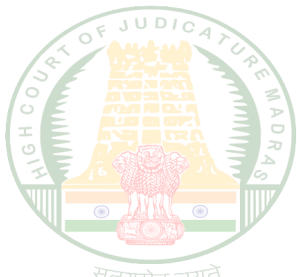


CRL.OP (MD) No.8569 of 2025

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alleged by the prosecution. Even according to the CCTV footage, the victim is seen voluntarily accompanying the accused persons, and there was no use of force or coercion by the accused persons. He further submitted that the petitioner had no knowledge of the alleged conspiracy and was merely discharging his duties as a driver, without any criminal intent or involvement in the offence. Further more, 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. 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. Consequently, all the accused, including the petitioner, conspired together and kidnapped the victim in a car driven by the petitioner on 06.04.2025, took him to various places, and the victim was ultimately rescued on 15.04.2025. The



CRL.OP (MD) No.8569 of 2025

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investigation is at a nascent stage. Therefore, the learned Government Advocate strongly opposed the grant of bail to the petitioner, stating that if the petitioner released on bail, the petitioner will abscond and 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 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 abscond and 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.



CRL.OP (MD) No.8569 of 2025

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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 and that the gravity of offence, this Court is of the view that if bail is granted to the petitioner, 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/-

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Sub-Assistant Registrar
(C.S.I / II / III / IV)

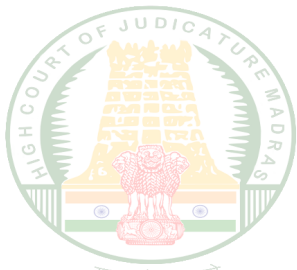
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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

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CRL.OP (MD) No.8569 of 2025

2.The Superintendent, Central Prison, Madurai.

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

ORDER

IN

CRL OP(MD) No.8569 of 2025

Date :09/05/2025

RK(14/05/2025) 6P / 4C

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