



Crl.O.P(MD).No.9199 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Reserved on : 10.06.2025

Pronounced on : 19.06.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.9199 of 2025

and

Crl.M.P(MD)No.7014 of 2025

Janamenthiran

...Petitioner/ Accused No.7

Vs.

The State of Tamilnadu rep. by
The Inspector of Police,
Thallakulam Police Station,
Madurai District.
(Crime No.446 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner/accused on bail in Crime No.446 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Sathish
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)
For Intervenor : Mr.T.K.Gopalan

ORDER

The petitioner seeks bail for the alleged offences u/s 305(a), 137(2) @ 305(a), 140(2), 111(3), 61(2), 49, 127(2) and 351(2) of BNS, 2023 in Crime No.446 of 2025 on the file of the respondent police.



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2. The case of the prosecution is that there has been civil dispute between Mariaraj/ Accused No.1 and the victim in respect of property situated in Dindigul and Kodaikanal as the victim failed to register the sale deed in accordance with sale agreement entered into between them. In the meanwhile, the victim was found missing from his residence on 06.04.2025, hence the defacto complainant, who is the brother-in-law of victim, lodged a complaint and also alleged certain documents, computer hard disk and CCTV were also found missing from the premises. It is alleged by the prosecution that the victim was kidnapped by the petitioner along with other accused at the instant of Mariaraj/ Accused No.1, upon conspiracy, because of the civil dispute between the petitioner and the victim.

3. The learned counsel for the petitioner has submitted that this is the second petition seeking for bail. The petitioner is arrayed as Accused No.7, who is the driver of the car, and he drove the car on the instructions of the customer. He had no knowledge about the act of crime or kidnapping. The overtact against the petitioner is very limited to that of a driver of the vehicle allegedly used in the incident. There is no allegation of violence, abduction, or direct involvement attributed to the prime accused. The petitioner has been falsely implicated in this case, only he was a driver



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of the car. The earlier bail petition was dismissed by this Court as the investigation at the initial stage. Now, the number of witnesses has been examined and the victim was also given a statement before the Judicial Magistrate. No material was recovered from the petitioner. The major portion of the material investigation has been completed. The petitioner is in custody for the past 45 days, and there is sufficient progress in the investigation. Hence, the petitioner may be granted bail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police would submit that originally the FIR was registered against the three unknown persons. But, during the course of investigation, it came to light that 12 accused were involved in the commission of the offences upon the land dispute existed between the victim and the petitioner for long years. The petitioner is the driver of the car, who drove the vehicle for 14 days, whileso, he might have knowledge of kidnapping. Since he is also involved in crime, he has not chosen to question about long travel to various places. As the victim did not complete the registration as per sale agreement and also as the case filed by prime accused/Accused No.1 ended in dismissal, the petitioner was conspired by Accused No.1 for kidnapping and in furtherance thereof, on 06.04.2025 at about 08.00 a.m., the victim was kidnapped from his house by three accused in a car driven by the



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petitioner. The investigating team rescued the victim on 15.04.2025 without any physical injury, who later gave a statement before the Judicial Magistrate and the same was recorded. During the course of investigation, Call Detail Records (CDR) of cell phone of the petitioner with other accused were collected, which would prima facie reveal the involvement of the petitioner in the crime. The investigation is pending. Therefore, the petition may be dismissed.

5. The learned counsel for the intervener has submitted that the Accused No.1 filed a civil suit for specific performance against the intervenor and the same was dismissed. In order to prevent the appearance of the intervener before the High Court and to usurp his property, the prime accused/Accused No.1, along with other accused, conspired to kidnap him. At the instigation of Mariaraj/Accused No.1, the intervener was kidnapped in a car driven by the petitioner and he was taken to various places for 14 days, during those days, he was harassed and humiliated. On 18.04.2025, he was secured by the police officials while he was taken back to Madurai, and two accused fled away. It is learned that 15 accused were involved in this crime, and out of them, 13 accused were arrested. One Vijayan of Myladuthurai was the master mind of crime. The intervener/victim gave a statement before the Judicial Magistrate, narrating the harassments, confinement and humiliation. If the



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Accused No.7 is released on bail, the further investigation would be affected, so the petition may be dismissed.

6. Heard and perused available records. It is seen from the records that the victim was kidnapped outside of his house on 06.04.2025 at 8.00 a.m. The complaint was lodged only on 07.04.2025 at 02.15 p.m. On perusal of the contents of the FIR, he was accompanied with three known persons in a car as revealed from CCTV footage. The petitioner was the driver of the car, was arrested on 15.04.2025 and sent to judicial custody. On 18.04.2025, the victim was secured without any injury is admitted. On 28.04.2025, he gave a statement about travel of 14 days including confinement and also worship at the temple. There is no statement against the petitioner's involvement and also of shouting or trying to escape from the alleged persons and he was harassed or beaten while such an endeavour. It is a settled phrase that 'bail is right jail is exception'. The Supreme Court issued guidelines in a reported decision in **2022(3) MWN (Cr.) 145 (SC)** while considering the bail applications of the accused. An accused should not be incarcerated long period without sufficient cause. The right of bail should not be affected by mere pre-trial detention of the accused, until there are circumstances of tampering of witnesses to be shown by the prosecution. No material was recovered from the petitioner.



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The petitioner is in custody from 15.04.2025. The earlier bail petition was dismissed on 09.05.2025, considering the preliminary stage of investigation. Now, there is ample development in the investigation, and almost all the accused were arrested and the material part of the investigation might have been completed. On the prosecution side, there is no material produced if the accused is released on bail, he would tamper the evidence. Therefore, considering the above facts and circumstances and also considering the age and incarceration period of the petitioner, this Court is inclined to grant bail subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.II, Madurai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate No.II, Madurai. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Madurai;



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(c) The petitioner shall stay at Salem and shall appear before the Inspector of Police, Shevapet Police Station daily twice at 10.00 a.m. and 5.00 p.m. until further orders;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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 petitioner 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS. Consequently, the connected Miscellaneous Petition is closed.

sd/-

19/06/2025

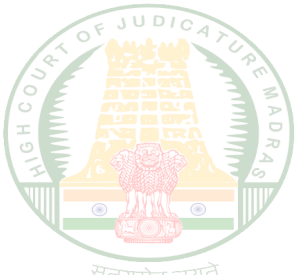
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19/06/2025

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

VSD

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TO

1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

COPY TO:

THE INSPECTOR OF POLICE
SHEVAPET POLICE STATION, SALEM.

ORDER

IN

CRL OP(MD) No.9199 of 2025

Date :19/06/2025

SS/SAR- /19/06/2025/ 8P/7C

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