



Crl.O.P(MD).No.9200 of 2025

WEB COPY

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.9200 of 2025

and

Crl.M.P(MD)No.7018 of 2025

Mariaraj

...Petitioner/ Accused No.1

Vs.

The State of Tamilnadu through
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 No.1 on bail in Crime No.446 of 2025 on the file of the respondent police.

For Petitioner	: Mr.Anandha Padmanabhan for M/s.Apnn Law Associates
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 (*) **under sections 305(a) , 137(2) of BNS @ 305(a) , 140(2) , 111(3) , 61(2) , 49, 127(2) and 351(2) of BNS 2023** in Cr.No.446 of 2025 on the file of the respondent police.



Crl.O.P(MD).No.9200 of 2025

WEB COPY

2. The case of the prosecution is that there has been civil dispute between the petitioner 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 the victim, lodged a complaint and also alleged that 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 other accused at the instant of 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 aged above 70 years, the alleged civil suit was filed in the year 2011 and the suits were already disposed of, directing the victim to repay the advance amount. The petitioner has not committed any offence as alleged. As per CCTV, the victim himself voluntarily accompanied with others, that too without any force or coercion. There is no connection with the petitioner. The alleged kidnapping happened on 06.04.2025 at 8.00 a.m., but the complaint was



Crl.O.P(MD).No.9200 of 2025

लॉज्ड वीथ डेली बाय थे डेफाक्टो कंप्लेनान्त ओनली ओन 07.04.2025 अट 02.15 प.म.,
WEB COPY

without any reason for delay. The petitioner has been falsely implicated in this case based on the confession statement of the co-accused. The victim has been secured without any injury. The victim has also gave a statement before the Judicial Magistrate mainly regarding the civil dispute. The petitioner is diabetic, renal impairment from 2016 and heart patient. The petitioner is in judicial custody from the date of arrest. Because of long incarceration, the petitioner was unable to get periodical medical check up. The earlier bail petition was dismissed by this Court as the investigation at initial stage. Now, the number of witnesses has been examined and even the victim was also given a statement before the Judicial Magistrate. The major portion of the material investigation has been completed. The petitioner was acquitted from the alleged previous case and field copy of the judgment. The petitioner is in judicial custody for more than 55 days. 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 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



Crl.O.P(MD).No.9200 of 2025

WEB COPY

prime accused/Accused No.1. Since the victim did not sell the property as per the sale agreement and since the case filed by the Accused No.1 ended in dismissal, the petitioner conspired with other accused to kidnap the victim in order to grab the property. 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 at the instigation of Accused No.1 and he was taken to various places upto Nagpur. The investigating team rescued the victim on 15.04.2025 without any physical injury, who later gave a statement before the learned 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 petitioner has three previous cases, including murder case. The earlier petition was dismissed on 09.05.2025. In case the petitioner is granted bail, he would tamper the evidences. The investigation is pending. Therefore, the petition may be dismissed.

5. The learned counsel for the intervener has submitted that the petitioner filed a civil suit for specific performance against the intervener and the same was dismissed. The petitioner preferred the appeal before this Court and posted on 08.04.2025. In order to prevent the appearance of the intervener before the High Court



Crl.O.P(MD).No.9200 of 2025

WEB COPY

and to usurp his property, the petitioner, along with other accused, conspired to kidnap him. At the instigation of the petitioner, the intervener was kidnapped 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. He gave a statement before the Judicial Magistrate narrating the harassment, confinement and humiliation. If the petitioner is released on bail, he will escape from the clutches of law, 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 FIR, he was accompanied with three known persons in a car as revealed from CCTV footage. The petitioner was arrested on 16.04.2025 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 of shouting or trying to escape from the alleged



Crl.O.P(MD).No.9200 of 2025

सत्यमेव जयते
WEB COPY

persons and he was harassed or beaten while such endeavour. It is 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. Though the prosecution alleged previous case against the petitioner, the petitioner stated he was acquitted from that case and filed a copy of the judgment. The petitioner is aged 70 years and he is a patient of renal impairment, heart patient as seen from the medical records filed by him. The petitioner is in custody for the past 63 days. 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 flee away or tamper the evidence. Therefore, considering the above circumstances and also considering the age and incarceration period of the petitioner, this Court is inclined to grant bail subject to the following conditions:



Crl.O.P(MD).No.9200 of 2025

WEB COPY

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.2, 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;

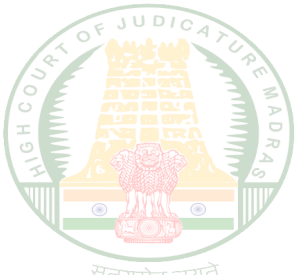
[b] The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate No.2, Madurai. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.2, Madurai;

(c) The petitioner shall stay at Salem and shall appear before the Inspector of Police, Annadhanapatti Police Station, Salem, 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



Crl.O.P(MD).No.9200 of 2025

सत्यमेव जयते
WEB COPY

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

(*)Amended as per the order of this Hon'ble court dated 24/06/2025 made in CRL.M.P(MD)8012 OF 2025 IN CRL.OP(MD) 9200 OF 2025

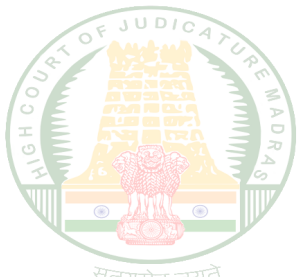
Further time is extended by ten days from the date of receipt of a copy of this order to comply the order of this Court in Crl.O.P.(MD).No.9200 of 2025 dated 19.06.2025.

/ TRUE COPY /

24/06/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD



Crl.O.P(MD).No.9200 of 2025

TO

TO BE SUBSTITUTED WITH THE ORDER DATED
19/06/2025 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.2
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI CITY,

4 THE SUPERINTENDENT
CENTRAL PRISON, TIRUCHIRAPPALLI.

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

COPY TO:

THE INSPECTOR OF POLICE
ANNADHANAPATTI POLICE STATION, SALEM.

+1 CC to M/s.M/S.APN LAW ASSOCIATES, Advocate (SR-6492[I] dated
19/06/2025)

ORDER

IN

CRL OP(MD) No.9200 of 2025

and

CrI.M.P(MD)No.7018 of 2025

Date :19/06/2025

SS/SAR- /19/06/2025/ 9P/8C

PR/24/06/2025/9P/8C

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