



CRL OP(MD). No.10325 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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M.Moorthy,
S/o.Manickam

...Petitioner/ Accused No.16

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Tallakulam Police Station,
Madurai District.
(Crime No.446 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.T.Balakrishnan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.446 of 2025 on the file of the respondent police.



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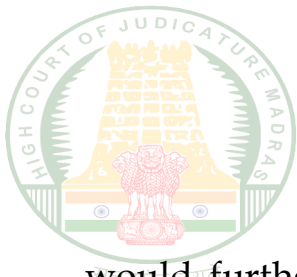
ORDER : The Court made the following order :-

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The petitioner / accused, who was arrested and remanded to judicial custody on 24.04.2025 for the offences under Sections 305(a) and 137(2) of the Bharatiya Nyaya Sanhita, 2023 @ 305(a), 140(2), 111(3), 61(2) and 49 of Bharatiya Nyaya Sanhita, 2023, @ Sections 305(a), 140(2), 111(3), 61(2), 49, 127(2), and 351(2) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.446 of 2025 on the file of the respondent police, seeks bail.

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 accused persons at the instant of Mariaraj/ Accused No.1, upon conspiracy, because of the civil dispute between them. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He



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would further submit that the petitioner is in custody from 24.04.2025. Hence, he
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seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally twenty four accused persons in this case and the petitioner has been arrayed as A16. He would further submit that investigation has been completed and the charge sheet has been filed through e-filing mode. He would further submit that A1 and A7 have already granted bail by this Court. He would further submit that there are no previous cases against the petitioner. However, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also taking note that A1 and A7 have already been granted bail by this Court, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate No.II,



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Madurai, and on further conditions that:-

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[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 mobile 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 No.II, Madurai.

[c] the petitioner shall stay at Erode District and sign before the Inspector of Police, Erode Town Police Station, Erode District daily twice at 10.00 a.m. and 05.00 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



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Section 269 of BNS, 2023.

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8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
20/06/2025

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20/06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.

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

COPY TO:
THE INSPECTOR OF POLICE,
ERODE TOWN POLICE STATION,
ERODE.

+1 CC to M/s.T.BALAKRISHNAN, Advocate (SR-6586[I] dated 20/06/2025)



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ORDER

IN

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Date :20/06/2025

SA/SAR. /20.06.2025/6P/8C

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