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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.06.2025

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.17521 of 2025

M.Jaganmoorthy, M/Age 59,
S/o Munnusamy,
Residing at No.6/2, T.H.Road,
Andersan Petai, Nemam,
Poonamallee,
Chennai 600 056.

.. Petitioner

/versus/

The Inspector of Police,
D2, Thiruvalangadu Police Station,
Thiruvallur District 631 210.
(Cr.No.101/2025)

.. Respondent

Criminal Original Petition has been filed under Section 438 of Cr.P.C., r/w 482 of BNSS 2023, praying to enlarge the petitioner on bail in event of apprehension of arrest in Crime No.101/2025 on the file of the Inspector of Police, D2 Thiruvalangadu Police Station, Thiruvallur District.



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For Petitioner :Mr.S.Prabhakaran, Senior Advocate
for Mr.M.Velmurugan

For Respondent :Mr.J.Ravindran,
AAG Asst.by
Mr.R.Muniyapparaj, APP and
Mr.M.Sylvester John

ORDER

The petitioner, who is a sitting MLA of Tamil Nadu Legislative Assembly, apprehending arrest by the respondent police, for the alleged offences under Sections 189(2), 329(4) and 140(3) of the BNS 2023, has filed this petition under Section 438 of Cr.P.C., r/w 482 of BNSS 2023.

2.According to the petitioner, FIR in Crime No.101 of 2025, on the file of the D2, Thiruvallangadu Police Station, was registered based on fabricated, concocted complaint without any basis. Pleadings that he is noway connected with the alleged abduction of a minor boy, who is the son of the defacto complainant and which is the basis for registering the First Information Report, he claims that the respondent police, without any proper reason, came to his house to enquire him in connection with Crime



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No.101 of 2025. Being a Member of the Legislative Assembly, the local residents gathered. Taking this as a reason, the respondent police is trying to arrest him without following due process of law and the act of the respondent police is highly contemptuous and misuse of power to satisfy the third party. Alleging that, for the political reasons, the attempts are made to falsely ragging in the said case, the petition is filed seeking anticipatory bail.

3. The petitioner through his counsel contended that knowing that for the oblique reason, the respondent police are pursuing the petitioner, the anticipatory bail petition was filed on 15.06.2025 and thereafter, pending disposal of the petition, the petitioner appeared before the respondent police on 17.06.2025 and co-operated with the respondent police for investigation. He had given a statement to the police explaining his innocence and he is any time ready to appear before the investigating officer and co-operate with the investigation.



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4. Mr.S.Prabhakaran, the learned Senior Counsel appearing for the petitioner further submitted that being a responsible citizen and member of the Tamil Nadu Legislative Assembly, there is no reason for the respondent police to fear that the petitioner will abscond or temper the evidence. In the entire life of the petitioner, there is not even single criminal complaint. If the petitioner is arrested, his reputation and image will be badly affected. The learned Senior Counsel also relied upon the judgment of the Hon'ble Supreme Court in *P.Krishna Mohan Reddy v. The State of Andhra Pradesh* reported in [2025 INSC 725], order dated 16.05.2025.

5. Mr.J.Ravindran, the learned Additional Advocate General assisted by Mr.R.Muniyapparaj, the learned Additional Public Prosecutor filed a status report of the investigation and submitted that it is a case of house trespass in order to commit kidnap of a minor boy and put him in danger of being murdered, if he does not disclose the whereabouts of his elder brother. The said offence committed in pursuant to the criminal conspiracy in which



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the petitioner had played a pivotal role. Being the member of the Tamil Nadu Legislative Assembly, he use this clout with his supporters and prevented the respondent police from discharging their duty when they went to the residence of the petitioner for interrogation. Without co-operating with the investigation, he approached the High Court filing anticipatory bail and thereafter, even on appearance before the respondent police, he did not co-operate with the investigation, when he was confronted with incriminating evidence collected during the course of investigation.

6. The petitioner by misusing his political status, is preventing fair investigation. The case, which was earlier registered by the Thiruvallangadu Police Station in Crime No.101 of 2025 has been transferred to CBCID and taken by Kanchipuram in Crime No.1 of 2025. The investigation sofar conducted discloses that Thiru.Danush, S/o Lakshi, fell in love with one Vijaya shree. Since her parent are against her wish, she had left her home at Senkulam, Thangammalpuram, Aandipatti Taluk, Theni District and married Danush on 15.04.2025. The marriage was duly got registered. Since the



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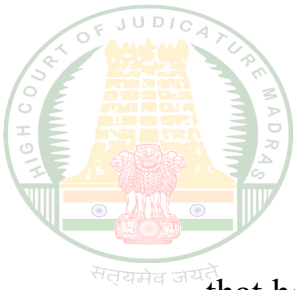
parents of Vijaya Shree opposed it, the marriage was reported to the higher officials seeking protection. Under the said circumstances, Thiru.Vanaraj, who is the father of V.Vijayashree , with two others had taken help of Tmt.Maheswari, former Sub Inspector of Police to secure back his daughter, who eloped and married Danush. Consequently, Tmt.Maheswari, introduced the petitioner to Tr.Vanaraj and took his help to provide men and material to secure Vijayashree. Accordingly, Tr.Vanaraj along with Tr.Ganesan, Tr.Jayapandian and Tr.Kannan came to Chennai on 06.06.2025. After meeting, the petitioner arranged five persons in two cars with instructions that they should pick up the person, who is available in the house of Danush. Accordingly, a gang went to Peramabakkam in search of Vijayashree and Danush on 07.06.2025. When Danush and Vijayashree were not available in the house, they abducted the minor boy, who is the brother of Danush. Lakshmi, the mother of the victim boy alerted the police by calling them over phone. On receipt of the complaint, the police alerted petrol and vehicular check up was mounted. screening that the police been alerted, on the instruction of the petitioner, assistants of Mr.H.M.Jayaram,



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ADGP was sought. Pursuant to the conspiracy, Mr.H.M.Jayaram, ADGP provided his official car bearing Reg.No. TN 06 G 0606. In the said car, the abducted boy was shifted to avoid screening by the police check. Later, the boy was dropped at Peramabakka bus stand. From the registration number of the vehicle involved in the crime, Mr.Sarathkumar, Advocate, the owner of the vehicle bearing No.TN 12 BC 6777 was arrested. From his confession that he acted on the instructions given by the petitioner, he went to the house of Danush and abducted the minor boy came back to the hotel at Thirumazhisai and later, took the boy in the Government vehicle bearing Reg.No.TN 06 G 0606 provided by Mr.H.M.Jayaram, ADGP.

7. Taking note of the unholy nexus between the police, politician and advocates for executing heinous crime of abduction, investigation been transferred to CBCID and taken on file in Cr.No.1 of 2025 by Kanchipuram CBCID. The investigation is at nascent stage. Unless and until the petitioner is secured and subjected to custodial interrogation, the truth behind the case will not come out. Further, the conduct of the petitioner sofar clearly shows



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that he is capable of interfering with the investigation at every stage. If he is not secured, the possibility of threatening the complainant as well as the probable witnesses, destruction of evidence or tempering evidence is highly possible. Hence, he sought for dismissal of the petition following the guideline laid by the Hon'ble Supreme Court in *State of Uttra Pradesh v. Amarmani Tripathi* reported in [2005(8) SCC 21].

8. After hearing the rival submission, this Court, to find out whether the petitioner is entitled for anticipatory bail, called for CD file and perused the same.

9. The statement of the victim boy who had been forcibly taken from his house in the midnight of 07.06.2025 clearly show that he was forcibly removed from his house by the gang of five unknown persons and he was subjected to life threat so as to disclose the whereabouts of his brother Danush. CCTV footage collected at the parking lot of the hotel at Thirumazhisai shows the petitioner and Maheswari standing near the car



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and conversing. The Government vehicle bearing Reg.No.TN 06 G 0606 is also parked there along with other vehicles. Tmt.Maheswari after arrest, has been identified by the victim as the person, who accompanied him in the Government vehicle, after he was abducted by others. Apart from the inculpatory statements of other accused disclosing the involvement of the petitioner in screening the abduction, the petitioner himself in his statement admits that Tmt.Maheswari brought to his notice about the elopement of Vijayashree the daughter of Vanaraj. He advised them to workout the remedy through Advocates. Though his statement is not incriminating him directly the sequence of events, like his presence with Tmt.Maheswari in the parking lot of highway hotel on the date of occurrence indicates otherwise.

10. In addition to the call details collected show, the petitioner was in touch with Tr.H.M.Jayaram, ADGP, and other persons at the relevant point of time. Certainly, these materials *prima facie* sufficient to hold that the petitioner is a party to the alleged conspiracy.



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11. The police after initial investigation on collection of evidence including the statements of the suspected accused has altered the offence from 189(2), 329(4), 140(3) of BNS altered into Sections 189(2), 332(b), 140(1), 61(2) of BNS, 2023.

12. The statement of the victim boy indicates that he was abducted with an intention to extort information about Danush or if he refuses to murder him. He had been taken from his house during midnight under life threat. Material sofar collected indicates that the crime of abduction committed pursuant to the conspiracy in which the petitioner had actively participated and provided his men for committing the crime.

13. In addition the police has recovered Rs.7,86,750/- from Tr.Vanaraj, on 08.06.2025 at 22.50 hours during vehicle check and this money is suspected to be the money meant for the hirelings engaged in the act of abduction.



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14. The learned Senior counsel appearing for the petitioner heavily relied upon the recent judgment of the Hon'ble Supreme Court reported in *P.Krishna Mohan Reddy v. The State of Andhra Pradesh [2025 INSC 725]* to disregard the statement of the co-accused incriminating the petitioner.

15. The reading of the above judgment indicates that the statement of the co-accused cannot be put against the other accused with the aid of Section 30 of the Indian Evidence Act. This Court is of a considered view, when there is reasonable ground to believe the offence of conspiracy is made out, Section 10 of Indian Evidence Act [Section 8 of BNS 2023] also comes into play. Hence, at the stage of considering the anticipatory bail, more particularly, at the nascent stage of the investigation, in the humble opinion of this Court, the Court need not test the veracity or admissibility of the material collected in the course of the investigation, which will be done at the time of trial. What is required for consideration in the anticipatory bail application is whether there is any *prima facie* material to suspect the involvement in crime by the petitioner, who is before this Court seeking



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anticipatory bail and if he is not taken into custody, where there will be chance of tampering the evidence or threatening the witness.

16. This Court after perusing the CD file and noting the adverse conduct of the petitioner and his associates, particularly, when the police went to his residence for investigation, arrive at an irresistible conclusion that for fair investigation and fearless trial, the petitioner need to be secured and subjected to custodial interrogation.

17. For the said reasons, this Court finds no merits in this petition.

Hence, **this Criminal Original Petition is dismissed.**

27.06.2025

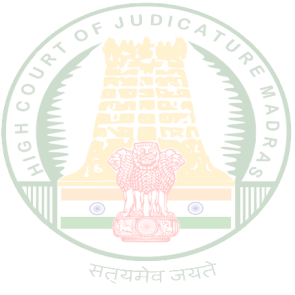
Index:yes/no

Interne:yes

Speaking order/non speaking order

Neutral citation:yes/no

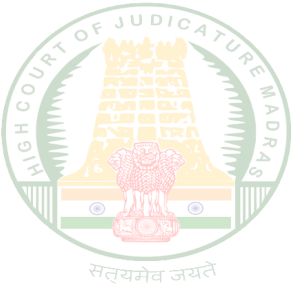
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To

- 1.The Judicial Magistrate Court, Tiruttani.
- 2.The Inspector of Police, D2 Thiruvallangadu Police Station, Thiruvallur District.
- 3.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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