



CRL OP(MD)No.3770 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD)No.3770 of 2025

and

CrI.M.P(MD)No.3085 of 2025

S.Ganesan
S/o.Sembannan

...Petitioner/ Accused

Vs.

The State of Tamilnadu rep. by,
The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.713 of 2024)

...Respondent/Complainant

For Petitioner : Mr.N.Pragalathan
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate(CrI.Side)

For Intervenor : Mr.B.Brijesh Kishore
Advocate



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WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

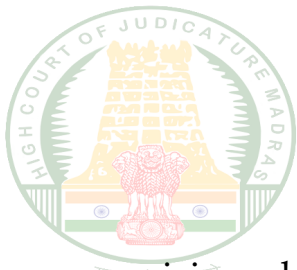
For Anticipatory Bail in Crime No.713 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 296(b), 303(2), 351(2) of BNS, 2023 @ 296(b), 303(2), 351(2), 318(4) of BNS, in Crime No.713 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is doing business by using JCB and Tipper Lorry. On 21.06.2024, he came to know that an unregistered JCB vehicle was available for sale by Sundaram Finance, Paramakudi and the said vehicle was parked in Sriram Stock Yard, Tirunelveli. Hence, he has transferred a sum of Rs.20,10,000/- to the Sundaram Finance, Paramakudi through RTGS. Further, on 23.07.2024, the petitioner engaged Accused No.2 and one JCB operator to take the vehicle from the yard and park it in the Corporation parking in Kochadai, Madurai. After one week, the defacto complainant contacted Accused No.2 to take the vehicle for the purpose of registration, but he did not respond. On

<https://www.mhc.tn.gov.in/judis>



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suspicious, he approached the corporation parking yard, Madurai and he found that the vehicle was not there. When the defacto complainant approached the first accused, who is the father of the second accused, he gave a sum of Rs.2,00,000/- to him and denied to hand over the JCB and also threatened him. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is no way connected to the said alleged offence. He would further submit that on 14.04.2023, the second accused and the defacto complainant entered into an unregistered partnership firm to run a used vehicle sales business in the name and style of 'Sri Vinayaga Consultancy'. In selling the vehicles, the defacto complainant owes the second accused Rs.37 lakhs. This dispute is purely civil in nature. He further submits that the defacto complainant suppressed all the above facts and gave a complaint before the respondent police and hence, he seeks anticipatory bail to the petitioner.

4. The learned counsel for the defacto complainant/intervenor submits that the petitioner has purchased the JCB vehicle from the second accused without enquiring about the ownership of the same. Now, the said vehicle is involved in the illegal



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custody of the petitioner herein. He would further submit that the petitioner
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colluded with the second accused and kept the vehicle under his custody, which
belongs to the defacto complainant and has not been recovered so far. He would
further submit that Accused Nos.1 was already arrested and released on bail and
Accused No.2 was arrested and remanded to judicial custody, and his bail petition
was dismissed, and subsequently, he was granted statutory bail. However, he
strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.side) appearing for the respondent
submits that there are totally three accused in this case and the petitioner is arrayed
as Accused No.3. Accused Nos.1 and 2 are partners of JCB business and they took
the JCB vehicle and handed it over to the petitioner. He would further submit that
now the vehicle is in the custody of the petitioner, so far, he has not returned the
vehicle. Hence, he objected to grant anticipatory bail to the petitioner.

6. Taking into consideration of the above facts and circumstances and also the
fact that the vehicle i.e. JCB is not yet been recovered so far and according to the
learned Government Advocate (Crl.side) and the learned counsel for the intervenor
the vehicle is under the custody of the petitioner and if the petitioner has not been



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arrested, the vehicle cannot be recovered and hence, the custodial interrogation of the petitioner is necessary. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

sd/-
07/07/2025

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/08/2025

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

VSD

TO

1.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.713 of 2024)

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



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ORDER
IN
CRL OP(MD) No.3770 of 2025
Date :07/07/2025

PS/SAR.05.08.2025 6P/3C

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