



CRL OP (MD) No.3970 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.3970 of 2025

Ganesan,
S/o.Subramanian

... Petitioner / Accused No.7

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.151 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in
Crime No.151 of 2024 on the file of the respondent-police.

For Petitioner : Mr.R.Aravindraj,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.02.2025

under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

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



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grant bail.

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2. The petitioner/Accused No.7 was arrested and remanded to judicial custody on 24.01.2025 for the alleged offence punishable under Section 420 of Indian Penal Code, 1860, in Crime No.151 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that The case of the prosecution is that, on 20.04.2024, the defacto complainant purchased a Toyota Glanza Car bearing Registration No.TN-72-DZ-3234 for Rs.1,50,000/- from Cholamandalam Finance Company. Thereafter, A1 requested the defacto complainant to rent out his car for use by L&T Company and offered to pay a sum of Rs.1,000/- per day (Rs.30,000/- per month). A1 visited the house of the defacto complainant and took possession of the car. However, the defacto complainant did not receive any payment from A1, and the car was not returned to him. When questioned, A1 stated that the defacto complainant's car was in the custody of his friend, A2. Hence the case. Hence, the case.

4. Mr.R.Aravindraj, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is in no way connected with the crime and that he was only the acting driver. He further submits that the car bearing Reg. No.TN-72-DZ-3234 has been recovered from A2 (Manikandan). He



however submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has been arrayed as A7. He further submits that the accused persons colluded with each other and failed to pay the rent to the defacto complainant. He further submits that on further investigation, it is revealed that some other cars have also been received by A1, and by colluding with other accused persons, including the petitioner, neither the rent was paid nor the cars returned. Therefore, he contends that the further custody of the petitioner is necessary to unearth the truth. He vehemently opposes to grant bail to the petitioner by stating that if the petitioner is released on bail, he will cause threat to the defacto complainant and abscond. Accordingly, he prays for the dismissal of this petition.

6. Heard on both sides. This Court has perused all the materials available on record.

7. The petitioner was arrested on 24.01.2025 and is still in judicial custody. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. In view of the fact that the car bearing Reg. No.TN-72-DZ-3234 has been recovered from A2, this Court is of the opinion that further custody



of the petitioner is not necessary in this case. Considering the same and also
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considering the facts and circumstances of the case and the offence alleged against
the petitioner and taking note of the fact that there are no previous cases against the
petitioner and with a view to give an opportunity to the petitioner to reform himself,
this Court is inclined to grant bail to the petitioner, subject to the following
conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the Judicial Magistrate Court, Valliyoor, Tirunelveli District.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

(iv) The petitioner shall furnish his residential address and mobile numbers to the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

(v) The petitioner shall attend in accordance with the conditions of the bond to



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be executed under Chapter XXXV of BNS, 2023.

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(vi) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected.

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(viii) The petitioner shall also not directly or indirectly, cause any threat to the defacto complainant and witnesses.

(ix) The petitioner shall not enter into the defacto complainant's house or his work place.

(x) The petitioner shall not try to contact the defacto complainant and witnesses either directly or through any electronic mode.

(xi) On breach of any of the aforementioned conditions, the Judicial Magistrate Court, Valliyoor, Tirunelveli District or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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

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05/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.3970 of 2025
Date :05/03/2025

SA/SAR. /05.03.2025/7P/6C

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