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CRL O.P. No.19378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19378 of 2024

Rangaswamy S/o. Ramayya

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Economic Offence Wing,
Special Investigation Team,
Ashok Nagar,
Chennai-600 083.
[Cr. No.234 of 2023]

... Respondent

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER:- The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.234 of 2023 on the file of the respondent police.

For Petitioner : Mr. S. Thamzharasi

For Respondent : Mr. S. Vinoth Kumar

Government Advocate
[Criminal side]

ORDER



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The petitioner/Accused, who was arrested and remanded to judicial custody on 12.07.2024 for the offences punishable under sections 465, 468, 471, 420 of IPC in Crime No.234 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during 1997, one Manikandan, who travelled as pillionare in the two wheeler met with an accident and sustained injury due to the rash and negligent driving of one Mahindra van, for which case was registered in Cr. No.5645 of 1997 for the offences under Section 337 of IPC and Section 184 of Motor Vehicles Act and the case was closed as vehicle was not traced. After a lapse of a year, the said injured Manikandan reopened the case by lodging a complaint as if his friend saw the accident and it was happened by the rash and negligent driving of one Maruti Omni Van, belongs to one Prabu and driven by the petitioner/accused herein, in which case, the petitioner surrendered himself and admitted his guilt and paid the fine amount of Rs.2,200/- and the case was closed. Based on which, the said Manikandan filed a petition in M.C.O.P. No.3393 of 2001 and received compensation on the basis of fake documents and thereby cheated the



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insurance company. Based on the complaint given by the insurance company, investigation was conducted and found that fraud was committed by the petitioner and others. The petitioner/accused in collusion with other accused actively participated in the commission of offence. Notice under Section 41A of Cr.P.C. was served on the petitioner calling upon him to appear for enquiry. He failed to appear and he was secured on 12.07.2024. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody since 12.07.2024 and the alleged accident took place on 20.11.1997. The vehicle involved in the occurrence belonged to one Prabu and this petitioner is only a driver. In the said accident case, the petitioner admitted his guilt and he paid the fine amount and the case was also closed. The petitioner is not aware of the MCOP case said to had been filed by the injured Manikandan and the petitioner is not a party in the said MCOP case. The insurance company, in order to escape from the liability of payment of compensation, lodged a false, belated complaint. The petitioner is aged 60 years and he is



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suffering from health issues. He has not committed any offence as alleged by the respondent police. The petitioner is ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) has submitted that there are totally 4 accused involved in this case and the petitioner is arrayed as A2. The complaint lodged by the Regional Manager, United India Insurance Company Ltd., was registered in Cr. No.243 of 2023 on the file of T.P. Chatram Police Station and subsequently, transferred to the file of respondent police. The accident took place in the year 1997 and in the said accident case, initially the case was closed as vehicle was not traced and thereafter, the case was again re-opened as per the complaint given by the injured Manikandan and the petitioner admitted his guilt and paid fine amount of Rs.2,200/-. Thereafter, the injured Manikandan, in collusion with the petitioner and other accused, filed a M.C.O.P. No.3393 of 2001 and received compensation on the basis of fake documents, by way of impersonation



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and cheated the insurance company. Based on the complaint given by the insurance company, this case has been registered and the petitioner / A2 was secured on 12.07.2024. Co-accused are absconding. Investigation is not yet completed. Hence, he strongly objected to release the petitioner on bail.

5. Considering the rival submissions on either side and considering the fact that co-accused are still absconding and not yet secured by the respondent police, considering the gravity of offences and considering the fact that investigation is not completed, I am declined to grant bail to the petitioner at this stage.

6. Accordingly, the criminal original petition is dismissed.

12.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

P.DHANABAL,J
mjs

To

1.The Chief Metropolitan Magistrate Court, Egmore, Chennai-600 008.

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2. The Inspector of Police,
Economic Offence Wing,
Special Investigation Team,
Ashok Nagar,
Chennai-600 083.

3. The Superintendent,
Central Prison, Puzhal, Chennai-66.

4. The Public Prosecutor, High Court, Madras.

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