



CRL O.P. No.23306 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.23306 of 2024**

Rangaswamy

... Petitioner / Accused

Vs

State rep. by  
The Inspector of Police,  
Economic Offences Wing,  
Special Investigation Team,  
Ashok Nagar, Chennai – 600 083.

(Crime No.234 of 2023)

... Respondent

**PRAYER: -** The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.234 of 2023 on the file of the respondent police.

For Petitioner : M/s.S.Thamizharasi

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate  
(Criminal Side)



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## **ORDER**

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The petitioner, 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 seeks bail.

2.It is the case of the prosecution that during 1997, one Manikandan, who travelled as a pillion rider in the two-wheeler met with an accident and sustained injuries due to rash and negligent driving of the driver of the Mahindra Van, for which a case was registered in Crime No.4645 of 1997 for the offences under Section 337 of IPC and Section 184 of MV 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 due to rash and negligent driving of the driver of the Maruti Omni Van belonging to one, Prabu and driven by the petitioner, in which case, the petitioner surrendered himself and admitted his guilt and paid the fine amount of Rs.2,200/- and the case was disposed. Based on which, the said Manikandan filed a petition in M.C.O.P.No.3393 of 2001 and



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received compensation on the basis of fake documents and thereby cheated the Insurance Company. Based on the complaint given by the Insurance Company, investigation was conducted and found that fraud was played by the petitioner and others. The petitioner, in collusion with the other accused, actively participated in the commission of offence. Notice under Section 41-A 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 present case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody since 12.07.2024. He would also submit that the petitioner is only a driver of the vehicle belonging to one Prabu. He would further submit that in the said accident case, the petitioner admitted his guilt and paid the fine amount and the case was also closed. He would further submit that the Insurance Company, in order to escape from the liability of payment of compensation, lodged a false complaint against the petitioner. He would further submit that there is no previous case against the petitioner and co-



accused has been released on bail. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that there are totally four accused in this case in which the petitioner is arrayed as A2. He would further submit that investigation is still in progress. He would also submit that no previous case is pending as against the petitioner. He would further submit that co-accused in this case has been granted bail. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences charged against the petitioner and this petitioner is only a driver of the alleged vehicle involved in this case and that no previous case is pending against the petitioner and co-accused in this case was granted bail and also considering the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Chief Metropolitan Magistrate Court, Egmore, Chennai – 600 003**, and on further conditions that;

**[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.**

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] 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;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

23.09.2024

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- 1.The Chief Metropolitan Magistrate Court, Egmore, Chennai – 600 003.
- 2.Central Prison, Puzhal, Chennai – 600 066.
- 2.The Inspector of Police,  
Economic Offences Wing,  
Special Investigation Team,  
Ashok Nagar, Chennai – 600 083.
- 3.The Public Prosecutor, High Court, Madras.



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**P.DHANABAL,J.**  
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