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Crl.O.P.No.26355 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26355 of 2024

S.Veeramanikandan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Economic Offence Wing,
Chennai.
(Crime No. 1 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.1 of 2024 on the file of
the respondent Police.

For Petitioner : Mr.P.Ponbalaji

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 20.09.2024, for the alleged offences punishable under Sections 420, 409 &
120B of IPC, in Crime No.1 of 2024, on the file of the respondent police,



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seeks bail.

2. The case of the prosecution is that this petitioner along with other accused conspired with each other and cheated the defacto complainant by giving false assurance that their company, in the name and style of Sri Sai Cars at Tambaram, would take his car on a monthly rental basis. Subsequently, the petitioner and other accused paid for three months, but thereafter, the accused persons evaded the payment. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the co-accused was released on bail before the Sessions Court. He further submits that this petitioner's name was not found place in the FIR. He further submit that the petitioner was arrested and is in judicial custody from 20.09.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that this petitioner along with other accused conspired with each other by giving false assurances to innocent car owner/defacto complainant that they are running company in the name and style of Sri Sai Cars at Tambaram and taking cars for monthly rental and the company had been entered into rental agreement with car owners and gave rental for some months and thereafter, the company stopped issuing the rental to the car owners and absconded. He further submits that during investigation, it came to light that the accused reveals that the Sri Sai Cars had been taken cars from car owners for rent after made a rental agreement and further they let out of the cars for lease through the agents and collected huge amount as lease deposit. He further submits that Sri Sai Cars taken 424 cars for rental and let out the vehicles for lease during the years April 2021 to November -2023. He further submits that they returned 174 cars to the owners after completion of the rental period. Further 118 vehicles were taken by the owners either consent of the lessees or without consent of the lessees. Further 63 vehicle have been recovered by EOW with the consent of the lessees. The remaining 70 vehicles to be recovered from the petitioners. He further submits that 59 cars have been recovered from the other petitioners. He further submits that the petitioner has no previous case pending against



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him. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, this petitioner is not named accused in the FIR, based on the confession of the co-accused, he has been arrayed as an accused, co-accused was also released on bail before the Sessions Court, 59 cars have been recovered from the other accused, considering the period of incarceration undergone by the petitioner from 20.09.2024, and the petitioner has no previous cases, pending against him and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Chief



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Metropolitan Magistrate Court, Egmore, Chennai, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

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

[e] 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



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

29.10.2024

drl

To

- 1.The Chief Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
Economic Offence Wing,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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