BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Second day of June Two Thousand Fifteen

PRESENT
The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9452 of 2015
and
CRL OP(MD) No.9825 of 2015

G.KRISHNAKUMAR ... PETITIONER(S) / ACCUSED
RANK NOT KNOWN IN OP 9452/15

KRISHNAN ... PETITIONER(S) / ACCUSED 8
RANK NOT KNOWN IN OP 9825/15

Vs

STATE REP BY:: THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI DIST, CR.
NO.16/2015 ... RESPONDENT(S) / COMPLAINANT (S)
IN BOTH OP'S

For Petitioner : M/S.M.VEILKANIRAJU Advocate IN OP 9452/15

For Petitioner : M/S.RM. DURAISAMY Advocate IN OP 9825/15

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)
IN BOTH OP'S

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in both petitions, who are arrayed as accused Nos.7 and 8 respectively, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 66C, 66B of I.T Act, 2000 and 420 of I.P.C r/w 511 of I.P.C altered into 66C, 66D of I.T Act and 465, 468, 471 and 420 of I.P.C in Crime No.16 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the Port Trust of Tuticorin deposited Rs.10,50,00,000/- in a fixed deposit in the Bank of India, Erode Branch and the accused, by forging the E-mail ID, misappropriated Rs.45,00,000/-.

3.The learned counsel for the petitioners submitted that the Port Trust of Tuticorin floated a tender to deposit their amount of Rs.10,50,00,000/- in a Nationalized Bank and as per the offer, the amount was deposited in the Bank of India, Erode branch at 8.90% interest and thereafter, Rs.9,00,00,000/- was transferred from the

Bank of India to the account of the second respondent in Karur Vysya Bank, Thiruppur. The learned counsel further submitted that the third accused gave eleven challans for transfer of the amount of Rs.9,00,00,000/- to different accounts. At that juncture, the Bank Manager of Karur Vysya Bank entertained a doubt and clarified with the Port Trust about the transfer of huge amount to the account of the individual and thereafter, they came to know that the signature of the Vice Chairman of the Port Trust was forged and the amount was transferred and as per their instruction, the entire amount of Rs.9,00,00,000/- was transferred from Karur Vysya Bank to the Bank of India.

4.The learned counsel for the petitioners further submitted that the 7th accused is an advocate in Chennai and he approached the 8th accused for transfer of amount to Axis Bank, Chennai for withdrawal. However, the eighth accused did not have account in Axis Bank and therefore, he gave the address of KPR Industries, Chennai, where the 8th accused is working as Financial Consultant. He further submitted that the petitioners had no role in forging the signature of the Vice Chairman of the Port Trust of Tuticorin and only to help the 7th accused for withdrawal of the amount, the 8th accused gave the account number of KPR Industries.

5.The learned counsel further submitted that the amount was not transferred to the account of KPR Industries in the Axis Bank and the entire amount of Rs.9,00,00,000/- were transferred from Karur Vysya Bank to the Bank of India and there is no loss to the defacto complainant. It is further submitted that the petitioners are innocent and they have been falsely implicated in this case.

6.The learned Government Advocate (Crl.side) submitted that the first accused is the Manager of the Bank of India of Erode Branch and he colluded with the other accused to misappropriate the huge amount of Rs.10,50,00,000/- and Rs.45,00,000/- was transferred to one of the account holder in the Bank of India, Erode Branch, who is the friend of the first accused and the amount is not yet recovered. The learned Government Advocate (Crl.side) further submitted that the prime accused 1 to 4 were already arrested and released on bail.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, No.I, Tuticorin and on each 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 Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
22/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI DIST,

2 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

3 THE JUDICIAL MAGISTRATE NO.I, TUTICORIN

4 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN

1. CC to M/S.M.VEILKANIRAJU Advocate SR.No.33058
1CC TO MR.R.M. DURAISAMY, ADV SR: 32568

DM 24 JUNE 15

3P 7C

ORDER
IN
CRL OP(MD) No.9452 of 2015
and
CRL OP(MD) No.9825 of 2015
Date :22/06/2015