



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

Monday, the Seventeenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19328 of 2016

PRAVIN VIGNESH
BRANCH MANAGER, KARUR VYSYA BANK,
TALLAKULAM BRANCH, MADURAI.

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI CITY,
MADURAI
Crime No.1987/2016

... RESPONDENT/COMPLAINANT

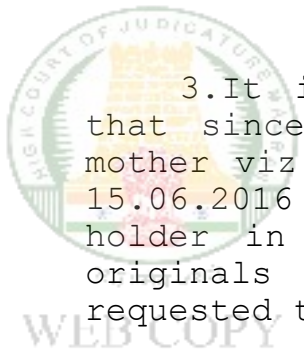
FOR PETITIONER : M/S.PALA.RAMASAMY, ADVOCATE
FOR RESPONDENT : Mr.K.V.RAJARAJAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 406 and 420 IPC in Crime No.1987 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the mother of the de facto complainant viz., J.Rajam made a fixed deposited to a sum of Rs.8,00,000/- in Karur Vysya Bank Ltd. on 08.11.2014 and nominated her daughter / de facto complainant viz.,J.Kavitha as nominee. Due to some dispute, the mother of the de facto complainant and her father separated and that the de facto complainant is taking care of his mother. On 17.06.2016 the mother of the de facto complainant died and thereafter, the de facto complainant approached the petitioner, who is the Branch Manger of the above said Bank, and stated that her mother died and hence, the deposit amount of Rs.8 lakhs may be given her as she is the nominee. On 29.06.2016, the petitioner informed the de facto complainant, stating that the deposited amount has been given to the father of the de facto complainant. As the originals of the fixed deposit bonds are available with the de facto complainant, the petitioner colluded with the father of the de facto complainant and thereby committed fraud.



3.It is submitted by the learned counsel for the petitioner that since the de facto complainant was not taking care of her mother viz., Rajam, she made a request to the petitioner's Bank on 15.06.2016 to add her husband's name viz. Jeyaraman as joint deposit holder in the fixed deposits as "either or survivor". As the originals of the fixed deposit bonds were lost, the said Rajam requested the petitioner's Bank to issue a duplicate deposit bonds.

4.It is also submitted by the learned counsel for the petitioner that the said Rajam executed a Will on 10.06.2016 bequeathing her entire estate in favour of her husband viz., Jeyaraman / A1. Since A1 is one of the joint account holder and legatee of the Will, the petitioner's Bank has issued duplicate deposit bonds as per bank procedure. The learned counsel further submitted that the fixed deposit amount was still lying in the petitioner's Bank and the petitioner's Bank called both the de facto complainant and her father (A1) to redress the grievance. Accordingly, the father of the de facto complainant appeared before the Bank and made his statement. However, the de facto complainant did not appear and preferred the present complaint. The learned counsel submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and hence, he prays for anticipatory bail in favour of the petitioner.

5.The learned Government Advocate (Crl.side) submitted that as the said Rajam was suffering from Cancer and also lost her past memories. Taking advantage of the said situation, the first accused created a forged letter and also a Will in his favour and tried to grab the money and property of the said Rajam. He further submitted that the fixed deposit amount is still lying in the Bank and investigation is pending.

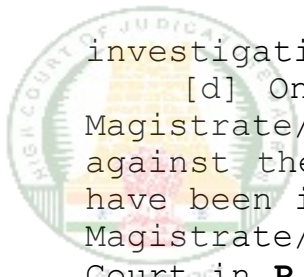
6.Considering the facts and circumstances of the case and also considering the fact that the fixed deposit amount is still with the petitioner's Bank, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police in all Sundays at 10:30 am for a period of one month and thereafter, as when required.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during



investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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]**.

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17/10/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI CITY, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PALA.RAMASAMY Advocate SR.No. 61849

ORDER
IN
CRL OP(MD) No.19328 of 2016
Date :17/10/2016

NBJ

JAM/SKS-RR/SAR-III : 07/11/2016 : 3P/6C