



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.624 of 2016

VILJAYALAKSHMI

... PETITIONER/ACCUSED NO.2

Vs.

THE SUPERINTENDENT OF POLICE
CENTRAL BUREAU OF INVESTIGATION(CBI),
ANTI CORRUPTION BRANCH,
SHASTRI BHAVAN, CHENNAI.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S C.MAYILVAHANA RAJENDRAN Advocate

For Respondent : MR.J.S.BOSE for MR.S.JEYAKUMAR,

Special Public Prosecutor for CBI Cases

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

ORDER : The Court Made the following order :-

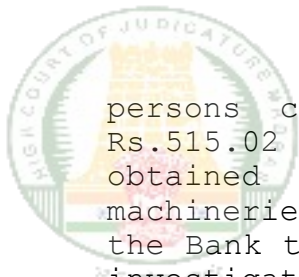
The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 420, 471 and 13(2) r/w. 13(1)(d) of Prevention of Corruption Act in RC.MA1 2015 A 0050 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and others colluded together and prepared bogus quotations, invoices and other documents and applied for term loan to purchase heavy machineries from M/s.Gowtham Industries and M/s. Angu Engineering Works, which also belonged to the accused persons. They did not use the amount borrowed for which it was sanctioned and it was disbursed. The petitioner and others cheated the bank to the tune of Rs.515.02 lakhs. The then Senior Manager, colluded with the accused persons sanctioned loan to the tune of Rs.515.2 lakhs and on the complaint, the case has been registered against the petitioner and others.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and her name has been falsely implicated in this case. She further submitted that the petitioner has applied for loan to purchase machinery of Stone crusher, vibrating feeder, conveyor, vibrator screen, power tanks and motor and electrical fitting. After sanctioning the loan, she purchased the above said machineries and amount is to be repaid by 60 instalments. She paid the instalment regularly till 2014 and after that she could not pay the instalment and she has furnished the valuable property as collateral security and the security furnished by her is more than the amount sanctioned. He further submitted that the Bank already initiated the proceedings under SARFAESI Act against the petitioner, before the Debts Recovery Tribunal and the same is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Mr.J.S. Bose for Mr.S. Jeyakumar, representing the learned Public Prosecutor submitted that the petitioner and other accused



persons colluded together and cheated the Bank to the tune of Rs.515.02 Lakhs, by producing the bogus invoices and documents and obtained loan to purchase the machinery, without purchasing the machineries, they diverted the amounts for other purpose and cheated the Bank to the tune of Rs.515.02 Lakhs. He further submitted that the investigation is pending and therefore, the custodial interrogation of the petitioner is necessary. If the anticipatory bail is granted to the petitioner, she will abscond and tamper the witness and hamper the investigation.

5. From the materials it is seen that the petitioner is doing business of stone crushing and produced documents with regard to valuation of machineries purchased by her and evidence of proceedings initiated against the petitioner in Debts Recovery Tribunal under SARFAESI Act by defacto complainant.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the II Additional District Judge and Special Judge for CBI Cases, Madurai and on her 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 petitioner shall appear before the CBI Court, Madurai daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner 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/-
27/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1. THE II ADDITIONAL DISTRICT JUDGE, SPECIAL JUDGE FOR CBI CASES, MADURAI.
2. -DO-THRO' THE PRINCIPAL DISTRICT JUDGE, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT OF POLICE
CENTRAL BUREAU OF INVESTIGATION (CBI),
ANTI CORRUPTION BRANCH, SHASTRI BHAVAN, CHENNAI.

+1. CC to M/S C.MAYILVAHANA RAJENDRAN Advocate SR.No.4710

akm/04.02.2016/ 2p- 6c/jgb/dp/SAR-I

ORDER
IN
CRL OP (MD) No.624 of 2016
Date : 27/01/2016