



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

Crl.O.P. (MD) Nos.14034 and 14326 of 2017

Crl.O.P. (MD) Nos.14034 of 2017:

G.Venkatachalam

.. Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Pudukkottai,
Pudukkottai District.
In Crime No.19 of 2017.

.. 1st Respondent/Complainant

2.Rani

3.Murugaiah

.. 2nd & 3rd Respondents/
Petitioners/A3 & A4

PRAYER: Criminal Original Petition filed under Section 439(2) of the Code of Criminal Procedure, to cancel the anticipatory bail granted in Cr.M.P.No.1372 of 2017, on the file of the learned Principal Sessions Judge, Pudukkottai, dated 29.08.2017.

Crl.O.P. (MD) Nos.14326 of 2017:

G.Venkatachalam

.. Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Pudukkottai,
Pudukkottai District.
In Crime No.19 of 2017.

.. 1st Respondent/Complainant

2.Manikandan

..2nd Respondent/ Petitioner/ A1

PRAYER: Criminal Original Petition filed under Section 439(2) of the Code of Criminal Procedure, to cancel the bail granted in Cr.M.P.No.1372 of 2017, on the file of the learned Judicial Magistrate, Alangudi, Pudukkottai District, dated 05.07.2017.



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For Petitioner : Mr.K.Baalasundharam
in both cases

For Respondent No.1 : Mr.K.Anbarasan
Government Advocate (Crl.side)
in both cases

For Respondent Nos.2 & 3 : Mr.P.Ganapathi Subramanian
in Crl.O.P(MD)No.14034 of 2017

For Respondent No.2 : Mr.AR.Jeyarhuthran
in Crl.O.P.MD)No.14326 of 2017

COMMON ORDER

Since, the petitioner/accused person in these two petitions are one and the same person involved in the same crime registered in Crime No.19 of 2017, on the file of the first respondent police in both cases, these two petitions are taken up together, heard and disposed of by way of common order.

2. The Criminal Original Petition in Crl.O.P.(MD).No.14034 of 2017 has been filed under Section 439(2) of the Code of Criminal Procedure, against the anticipatory bail granted in Cr.M.P.No.1372 of 2017, dated 29.08.2017, on the file of the learned Principal Sessions Judge, Pudukkottai.

3. The Criminal Original Petition in Crl.O.P.(MD).No.14326 of 2017 has been filed under Section 439(2) of the Code of Criminal Procedure, against the bail granted in Cr.M.P.No.1646 of 2017, dated 05.07.2017, on the file of the learned Judicial Magistrate, Alangudi, Pudukkottai District.

4. These petitions for cancellation of anticipatory bail and bail has been filed by the Branch Manager, IDBI Bank, Pudukkottai, Pudukkottai District on the ground that the Courts below granted anticipatory bail for A3 and A4 and bail to A1, without considering the nature of offence committed by the accused persons and without any discussion on merits, simply directed A3 and A4 to deposit a sum of Rs.2,20,000/- and A1 to deposit a sum of Rs.2,00,000/- in the crime number. The second respondent/A1 in Crl.O.P.(MD).No.14326 of 2017 working as Branch Manager in the IDBI Bank, Pudukkottai, and respondents 2 and 3/A3 & A4, in Crl.O.P.(MD).No.14034 of 2017 are acted as agents colluded with the Branch Manager and Assistant Manager of the said IDBI Bank and produced fabricated documents as if loan borrowed by self help groups and cheated a huge sum to the tune of Rs.1,45,72,855/- from the Bank. However, the second and third respondents in Crl.O.P.(MD).No.14034 of 2017 paid a sum of Rs.30,00,000/-. The outstanding amount is Rs.1,15,00,000/-.



Aggrieved by the said orders passed by the Courts below, the present petitions have been filed.

5. I have heard the learned counsel for the petitioner, the learned counsels appearing for the private respondents/accused in both cases and the learned Government Advocate (Crl. side) appearing for the State and perused the materials available on record.

6. Perusal of the bail orders granted by the Courts below clearly shows that they are non-speaking orders. However, the learned counsel appearing for the private respondents/A1, A3 and A4 give consent that the accused persons are ready to deposit a sum of Rs.10,00,000/- each, to credit of the crime number, without prejudice to their defence in the criminal case before the trial Court.

7. In view of the fair consent given by the learned counsel for the private respondents/A1, A3 and A4, the petitioner counsel also accepted the above said proposal, I am inclined to pass orders without cancelling the anticipatory bail and bail granted to the accused persons by the Courts below and accordingly, the respondent Nos.2 and 3 in Crl.O.P.(MD).No.14034 of 2017 and the second respondent in Crl.O.P.(MD).No.14326 of 2017 are directed to pay a sum of Rs.10,00,000/- each, (totally Rs.30,00,000/-) to the credit of Crime No.19 of 2017 before the learned Judicial Magistrate, Alangudi, on or before 19.01.2018. Thereafter, the learned Judicial Magistrate, Alangudi shall accept the sureties of the accused persons. The accused/A1, A3 & A4 are directed to appear before the respondent police daily at 10.30 a.m. till the investigation is completed.

8. With the above directions, these Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Pudukkottai, Pudukkottai District.

2.The Judicial Magistrate,
Alangudi.

<https://hservices.courts.gov.in/hservices/>
3.The Inspector of Police,
District Crime Branch,
Pudukkottai.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High court,
Madurai.

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+2cc to Mr.K.Baalasundharam, Advocate Sr.No.94095,94096

+1cc to Mr.AR.Jeyarhuthran, Advocate Sr.No.94099

PJL

VB/SKN/RSK/SAR2/23/01/2018/4P/8C

**Cr1.O.P. (MD)No.14034
and 14326 of 2017
20.12.2017**