



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

Monday, the Twenty Fourth day of April Two Thousand Seventeen
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.4580 of 2017

WEB COPY

KATHIRESAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
CITY CRIME BRANCH POLICE STATION,
TRICHY DISTRICT.
CR.NO.19 OF 2017.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.D.JAGADISH CHANDIRA Advocate

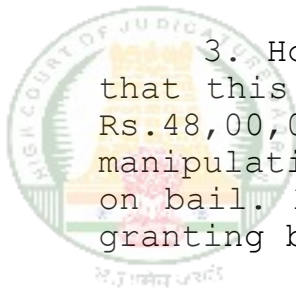
For Respondent : M/S K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1 was arrested and remanded to judicial custody on 24.03.2017 for the offences punishable under Sections 420, 465, 468 and 471 of IPC., in Crime No.19 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner by producing fake invoice had cheated the defacto complainant Punjab National Bank to the tune of Rs.48,00,000/-. According to the defacto Complainant by producing a fake invoice alleged to have been issued by M/s.Vishnu Motors indicating that they sold 'Jaguavar Luxury car' to the petitioner for a price of Rs.48,00,000/-. This petitioner has availed loan for the said sale price. Later when the Bank officials found that there is no such company by name M/s.Vishnu Motors and the petitioner has not infact purchased the car, but has availed loan and diverted the money into his various accounts, when the Bank officials demanded the money back and clear the loan, for which the petitioner has produced his property a surety and promise the bank officials to discharge the loan by June, 2016. The petitioner has also given a cheque for Rs.1,00,000/- towards discharge of the part loan amount, but the same was bounce back for insufficiency of fund. This has forced the Bank officials to lodge a complaint by 23.03.2017 against the petitioner and as consequences, the petitioner was arrested on 23.03.2017. It is submitted by the learned counsel for the petitioner that the petitioner has mortgaged the title deed of the petitioner's residential house worth Rs.1,50,00,000/- (Rupees one crore and fifty lakhs only). Therefore, the petitioner may be released on bail.



3. However, the learned Government Advocate (Crl.Side) submits that this petitioner was tactfully cheated the Bank to the tune of Rs.48,00,000/- by producing fake documents is capable of manipulating the records and tamper the investigation, if released on bail. Hence, the petitioner does not deserves consideration for granting bail.

4. Taking note of the rival submissions, this Court is of the opinion that apart from the title deed alleged to have been furnished by the petitioner, if the petitioner is directed to pay some substantial cash deposit, the interest of the petitioner as well as the Bank will be well secured. Therefore, this Court is inclined to grant bail to the petitioner on such stringent conditions and accordingly the petitioner is ordered to be released on bail on the following conditions;

(i) the petitioner shall deposit, a sum of Rs.10,00,000/- (Rupees ten lakhs only) in cash to the credit of Crime No.19 of 2017;

(ii) the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees five lakhs) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Trichy.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m. till the disposal of the case;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 Magistrate/Trial Court.

sd/-

24/04/2017

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II,TRICHY.

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE SUPERINDENT,CENTRAL PRISON, TRICHIRAPPALI.

4.THE INSPECTOR OF POLIE,

CITY CRIME BRANCH POLICE STATION, TRICHY DISTRICT

5.THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.D.JAGADISH CHANDIRA Advocate SR.No.20904

ORDER IN

CRL OP(MD) No.4580 of 2017

Date :24/04/2017