

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.24479 of 2017

ELAMARAN, [PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
DISTRICT CRIME BRANCH,
TIRUVARUR POLICE STATION,
TIRUVARUR DISTRICT.
CR.NO.14/2017.

For Petitioner : M/S.S.DORAISAMY Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the offences punishable under Sections 467, 468, 471 and 420 IPC in Crime No.14 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had fabricated documents and obtained loan from the defacto complainant Bank to the tune of Rs.75 lakhs and based on the complaint given by the defacto complainant, a case has been registered by the respondent police.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged forgery and he has not received any amount and that the petitioner has been falsely implicated in this case. It is further submitted that already, the defacto complainant has filed a case in Crime No.6 of 2017 for the very same offence on 01.09.2017 and this Court in Cr1.O.P.No.16672 of 2017 had granted anticipatory bail to the petitioner. Again for the very same offence, the petitioner has been implicated in this case. However, the learned counsel for the petitioner, on instructions, submitted that the petitioner petitioner is ready to deposit a sum of Rs.50,000/- without prejudice to his defence and also undertakes to pay the balance due payable by him to the bank and is willing to co-operate with the investigation.

4. The learned counsel for the intervenor submitted that petitioner along with other accused cheated the bank by submitting fabricated documents and obtained loan to the tune of Rs.75 lakhs and thereby, they have swindled the public money and not a single pie has been repaid so far and hence, opposed for granting anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that the petitioner with the help of other accused had fabricated documents and obtained loan and investigation reveals that a sum of Rs.70,00,000/- has been transferred to the account of the co-accused.

6. Considering the nature of allegations against the petitioner in this case and taking note of the fact that the petitioner is willing to deposit Rs.50,000/- without prejudice to his defence and that the petitioner is ready to repay the balance due to the 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 Judicial Magistrate, Thiruvavarur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.14 of 2017 before the learned Magistrate before furnishing the sureties.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

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

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

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUVARUR POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S.S.DORAISAMY Advocate on payment of necessary charges SR.NO. 15766

CRL OP.24479/2017

Date :21/08/2018

TA-14/09/2018

WEB COPY