



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

Wednesday, the Thirty First day of October Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.18499 of 2018
and
CRL MP(MD) No.8740 of 2018

SUDHINDAR ... PETITIONERS / ACCUSED A4
(in CRL OP(MD) No.18499 of 2018)

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL.
CRIME NO.27 OF 2018

... RESPONDENT / COMPLAINANT
(in CRL OP(MD) No.18499 of 2018)

R.KUMARESAN

... PETITIONER / INTERVENER

(CRL MP(MD) No.8740 of 2018 in
CRL OP(MD) No.18499 of 2018)

For Petitioner:Mr.J.SULTHAN BASHA, Advocate for M/s.AJMAL ASSOCIATES

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

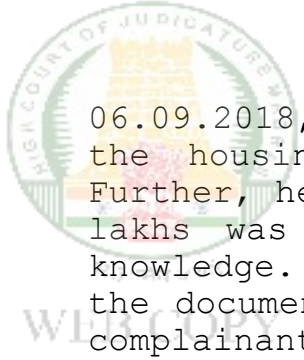
For Intervenor : Mr.L.PRABHU, Advocate.

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 426, 468, 471 and 506(2) IPC in Crime No.27 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant preferred a complaint alleging that the Senior Manager of Allahabad Bank, Dindigul Branch/A1 and 4 others said to have been approached the defacto complainant to open an account for availing agricultural loan and he also availed agricultural loan from the said bank. Except the said loan, he has not availed any other loan. On



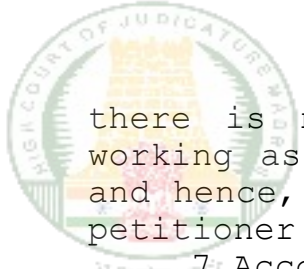
06.09.2018, the present Manager of the bank demanded him to repay the housing loan of Rs.25 lakhs standing due in his account. Further, he alleged that he was shocked to know that a sum of Rs.25 lakhs was availed as housing loan from his account without his knowledge. The first accused collusion with A2 and A3 fabricated the documents to avail the housing loan in the name of the defacto complainant and misappropriated the same. Hence, the complaint.

3.The learned senior counsel appearing for the petitioner would submit that there are totally five accused, in which, the petitioner is arraigned as A4. He is working as Deputy General Manager, Recovery Department Head Office, Allhabad Bank and the head of the zonal office, Chennai, who arrayed as A5 received complaints from various persons including the defacto complainant alleging that by fabricating records, misappropriated funds by arranging housing loan by A1, the then Senior Manager of the Allahad Bank branch. On receipt of the said complaint, A5 ordered enquiry and found that the first accused has involved in abuse of office in fabrication of records and misappropriation of money in sanctioning of housing loan in favour of various customers without their knowledge. Therefore, A5 suspended A1 by order dated 24.09.2018. Further, A5 preferred a detailed complaint before the Superintendent of Police, Dindigul as against the first accused on 06.10.2018. Therefore, the petitioner herein is no way connected with the alleged crime and in fact, he only lodged the complaint and conducted enquiry as against A1. He further submitted that this Court by an order in CrI.O.P.(MD) No.18120 of 2018, dated 10.10.2018, granted anticipatory bail to A5. Therefore, he sought for anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor would submit that the petitioner is the Deputy General Manager, Recovery Department Head Office, Allhabad Bank and with connivance of the petitioner, A1 and others misappropriated money to the tune of Rs.2,15,00,000/- thereby they disbursed loan in the name of various persons as if they have availed housing loan and swindled the entire amount from the bank. Therefore, he vehemently opposed the grant of anticipatory bail.

5.Heard the learned counsel appearing for the intervenor.

6.It is seen from the the allegation made in the FIR as well as perusal of documents submitted by the petitioner, the petitioner is working as Deputy General Manager, Recovery Department Head Office, Allhabad Bank. In fact, A5 received complaint from the defacto complainant and others alleging that the first accused misappropriated money to the tune of Rs.2,15,00,000/- and she disbursed the loan amount in the name of various persons as housing loan. The petitioner conducted enquiry and on enquiry, he found that the allegations are true and immediately, he suspended A1 by order dated 24.09.2018 and also lodged a complaint before the Superintendent of Police, Dindigul on 06.10.2018 as against A1 in respect of misappropriation of the amount from the bank. Therefore,



there is no overt act as against the petitioner. Since he is working as Deputy General Manager, he was also roped in the crime and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No.2, Dindigul and on his 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 respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. 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 shall stand dismissed.

sd/-
31/10/2018

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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,
DINDIGUL.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- +1. CC to M/s.AJMAL ASSOCIATES Advocate SR.No.20900.
+1. CC to Mr.L.PRABHU, Advocate SR.No.20790.

ORDER
IN
CRL OP(MD) No.18499 of 2018
and
CRL MP(MD) No.8740 of 2018
Date :31/10/2018