



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

Monday, the Twentieth day of August Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) Nos.14153 and 14351 of 2018

and

CRL MP(MD)No.6580 of 2018 IN CRL OP(MD)No.14153 of 2018

1 CREEDA SUDHASINI

2 DAVID PRATHAP SINGH

... PETITIONERS/ACCUSED Nos.1 & 2
IN CRL OP(MD)No.14153/2018

BALASUNDHAR

... PETITIONERS/ACCUSED-3
IN CRL OP(MD)No.14351/2018

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY,
MADURAI DISTRICT.
IN CR NO. 28 OF 2018

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

S.SOMASUNDHARAM

... PETITIONER/INTERVENER
IN CRL MP(MD)No. 6580 of 2018
IN CRL OP(MD)No.14153 of 2018

For Petitioners : MR.T.C.S.THILLAINAYAGAM, Advocate
IN CRL OP(MD)No.14153/2018

For Petitioner : MR.R.DIWAKARAN, Advocate
IN CRL OP(MD)No.14351/2018

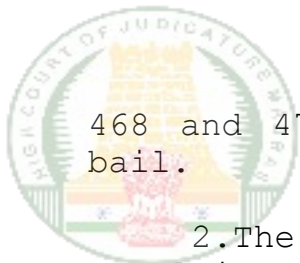
For Respondent : MR.M.ASOKAN, Government Advocate (Crl.Side)
IN BOTH THE PETITIONS

For Intervenor : MR.N.DILIP KUMAR, Advocate
IN CRL OP(MD)No.14153/2018

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.(MD) No.14153 of 2018 are arraigned as A1 and A2 and the petitioner in Crl.O.P.(MD) No.14351 of 2018 is arraigned as A3 and they apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465,
<https://hcservices.ecourts.gov.in/hcservices/>



468 and 471 of I.P.C in Crime No.28 of 2018, seek anticipatory bail.

2.The learned counsel appearing for the Intervenor/defacto complainant has filed intervening petition in Crl.M.P.(MD) No.6580 of 2018 in Crl.O.P.(MD) No.14153 of 2018. The said petition is allowed and the defacto complainant is permitted to intervene in both the petitions.

3.The case of the prosecution is that A3 approached A1 and A2 and canvassed them for depositing amount in the complainant's bank. In the month of August 2015, a sum of Rs.1,48,00,000/- and a sum of Rs.1,47,00,000/- have been deposited in the name of one Jeyaraj and his wife Mrs.Mangalam. The deposited amount was renewed from time to time. In the year 2018, the said deposits were matured and in order to withdraw the same, savings bank accounts were opened in the name of said Jeyaraj and Mangalam viz., SB A/c Nos.8703 and 8704 respectively. The said matured amount was transferred to the said accounts. Thereafter, it was found that the said Jeyaraj died as early as on 30.05.2002 and his wife Mangalam died on 05.12.2016 and they are none other than the father and mother of the A1/first petitioner in Crl.O.p.(MD) No.14153 of 2018. A1 along with her husband, who is A2 have deposited the said amount in the name of death persons and also opened savings bank accounts in their name and thereafter, the matured amount have been transferred and also withdrawn the same. Hence the complaint.

4.The learned counsel appearing for the petitioners in both the petitions jointly submitted that A1 is the daughter of the said Jeyaraj and Mangalam. Her father died on 30.05.2002 and her mother died on 05.12.2016. A3, being the tenant of A1 approached her to deposit the money belongs to her. Therefore, A1 trusted A3 and consented to deposit huge amount in the complainant's bank. A3 deposited the above said sum in the bank. Now, only A1 and A2 came to know that the said amounts were deposited in the name of A1's father and mother and subsequently also opened savings bank accounts in their name. Further, they would contend that there is no pecuniary loss to the bank or no wrongful gain to the petitioners by the deposit or by the withdrawal of the matured amount.

5.The learned counsel for the intervenor/defacto complainant submits that the petitioners, with the knowledge to gain more interest and with the intention to cheat other departments, have deposited huge sum in the name of death persons. They also forged the signatures of the said death persons and opened savings bank accounts in their name and they have withdrawn a huge amount from both the accounts and also they have diverted into other Fixed Deposits to the tune of Rs.54,85,178/-. They have jointly withdrawn most of the amount except Rs.41,25,427/- from the savings bank A/c No.8703 stands in the name of deceased Jeyaraj and Rs.41,96,818/- from the savings bank A/c No.8704 stands in the name of deceased Mangalam. Therefore, he vehemently oppose the grant of anticipatory bail to the petitioners.



6.The learned Government Advocate (criminal side) would submit that the interrogation is pending and if the petitioners are released on anticipatory bail, they will hamper the material evidence.

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7.It is seen from the records that admittedly, a sum of Rs.1,48,00,000/-and Rs.1,47,00,000/- have been deposited before the defacto complainant in the name of two death persons viz., Jeyaraj and Mangalam, who are the parents of A1 herein. The said amount has been deposited by A1 and A2 through A3, who is the officer of the defacto complainant bank. After maturing the deposits, the matured amount has been transferred to the savings bank accounts No.8703 and 8704 respectively. The said savings bank accounts also stand in the name of the death persons. After withdrawal of some matured amount, a sum of Rs.41,25,427/- is still lying in SB A/c No.8703 and a sum of Rs. 41,96,818/- is lying in SB A.c No.8704 before the defacto complainant's bank. Further, a sum of Rs.54,85,178/- is also with the bank in the form of Fixed Deposits in the name of death persons. Therefore, there is no pecuniary loss to the defacto complainant bank and there is no wrongful gain to the petitioners. Further, it is seen that if the entire amount deposited by A1 and A2 is unaccounted money, they will face the consequences. In such circumstances, this Court is of the view that their custodial interrogation is not necessary.

8.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/A1 to A3 herein. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Madurai and on each of them executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously. The defacto complainant bank is directed to freeze the accounts and fixed deposits stand in the name of death persons till the completion of investigation.

9.The petitioners 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/-

20/08/2018

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TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.T.C.S.THILLAINAYAGAM, Advocate SR.No.15782

+1. CC to MR.N.DILIPKUMAR, Advocate SR.No.15776

ORDER IN

CRL OP(MD) Nos.14153 and 14351 of 2018
and CRL MP(MD)No.6580 of 2018

IN CRL OP(MD)No.14153 of 2018

Date :20/08/2018

PK/PN/SAR-2/27.08.2018 : 4P/7C