

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7141 of 2020 and 34848 of 2019

1.Kamal
2.Kavitha
3.Dhanalakshmi

Petitioners in Crl.O.P Nos.7141 of 2020

1.Chitra Devi,

Petitioner in Crl.O.P Nos.34848 of 2019

Vs.

The State rep. By ...Respondent
The Inspector of Police,
District Crime Branch,
Thiruvannamalai,
Thiruvannamalai District.
(Crime No.12 of 2019)

Prayer in both Crl.O.Ps.: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of arrest in Crime No.12 of 2019 on the file of the respondent Police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Intervenor : Mr.C.Prakasam

COMMON ORDER

The petitioners, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 406 & 420 of I.P.C in Crime No.12 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is the 1st accused availed the loan for a sum of Rs.55,00,000/-, the 2nd accused availed the loan for a sum of Rs.1,61,42,880/- and the 3rd accused availed the loan for a sum of Rs.20,65,500/- from the Karur Vysia Bank, Arni Branch, and Central Bank of India, by pledging their 25,600 rice bags. Thereafter, without redeeming mortgage, their pledged goods were stolen from the safe custody with the influence of the other accused

persons. Hence, the case is registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners were arrayed as A1 to A4. After depositing their rice bags, they availed the loan and now, they are ready and willing to deposit the Title Deed to some tune of the amount, which was borrowed by them. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the defacto complainant would submit that the petitioners' applications were already dismissed by this Court and they are repeatedly approaching this Court for seeking anticipatory bail. He further submit that they have availed the loan by pledging their rice bags and by influence of other accused persons, they have taken all rice bags from the custody of the godown, thereby, they cheated the defacto complainant Bank more than Rs.2.50 Crores. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that there are totally seven accused in this case and the petitioners were arrayed as A1 to A4. They have borrowed the loan to the tune of Rs.2.50 Crores by depositing their rice bags. Thereafter, rice bags were kept in safe custody by the defacto complainant viz., the National Security Management Services, thereby, they cheated the Bank as well as the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. It is seen that there are totally seven accused in this case in which, the petitioners were arrayed as A1 to A4. They colluded with the other accused persons viz., A5 to A7 and availed the loan to the tune of Rs.2.50 Crores from the said Bank by pledging their 25,600 rice bags. The Bank gave rice bags to the defacto complainant for the safe custody and thereafter, 6,818 rice bags were stolen by the petitioners with the influence of A5 to A7, thereby, they have committed serious offence. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

Accordingly, these Criminal Original Petitions are dismissed.

-sd/-

02/07/2020

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

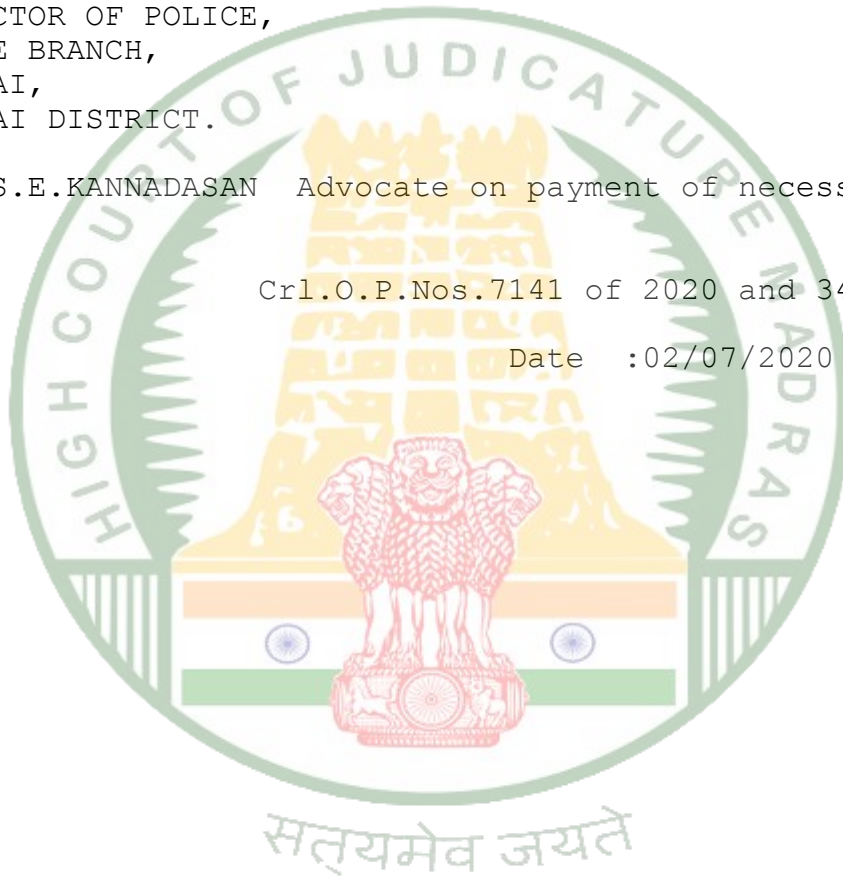
4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CrI.O.P.Nos.7141 of 2020 and 34848 of 2019

Date :02/07/2020

TA-28/07/2020



WEB COPY