

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2020

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.7477 of 2020

Ragunath,
S/o.Alagar,
No.1/114, 19th Avenue,
Banu Nagar,
Ambattur, Chennai 600 053

... Petitioner

State Rep. its
The Inspector of Police,
CCB Police Team XII,
Chennai-7

Vs.

Cr. No.76 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.76 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Ilaya Perumal

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.03.2020 for the offence punishable under Sections 120(b), 420, 465, 467, 468, 471 of IPC in Crime No.76 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused persons approached the defacto complainant bank for loan to purchase cars. They submitted fabricated and false documents as well as security and received loan. As far as the petitioner is concerned, he received a sum of Rs.15,00,000/- and purchased vehicle and after receipt of the amount, the said amount was not utilized for purchasing cars, thereby all the accused persons cheated the defacto complainant bank to the tune of Rs.2,14,10,000/- Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner never approached the defacto complainant to obtain loan. On behalf of the petitioner, the other accused persons have falsely submitted fabricated documents and obtained loan. Even till today, the petitioner did not receive any amount from the defacto complainant. The dealers of the car

company have connived with the other accused persons and cheated the petitioner also. The petitioner is ready and willing to deposit title deeds to the extent of the loan amount. Hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that all the accused persons submitted false and fabricated documents to the defacto complainant bank and obtained loan to the tune of Rs.2,14,10,000/- Insofar as the petitioner is concerned, he received a sum of Rs.15,00,000/- to purchase a car. After obtaining loan, it was not utilised to purchase any car and utilised for some other purpose. The defacto complainant found that the documents produced by the borrowers are false and fake one. Hence, he opposed for grant of bail to the petitioner.

5. It is seen that the petitioner is arrayed as A9. All the accused persons have produced false and fake documents before the defacto complainant bank and obtained loan to the tune of Rs.2,14,10,000/- for the purpose of purchasing cars. Thereafter, they have utilised loan amount for other purpose and did not purchase any car. The defacto complainant also found that those documents produced by the borrowers are false and fake.

Now, as far as the petitioner is concerned, he obtained loan to the tune of

Rs.15,00,000/- . Now the petitioner is ready and willing to deposit title deeds to the extent of loan amount.

6. Considering the facts and circumstances of the case and also the period of incarceration by the petitioner from the arrest, namely 19.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall deposit original title deeds of the properties stand in his name or his relatives' name or his friends' name not less than the value of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) along with the valuation report obtained from the Valuation Authority concerned to the credit of the crime No.76 of 2020 on the file of the respondent, and on such deposit the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/-(Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and Left Thumb Impression

in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. from 01.06.2020 for a period of three weeks and thereafter as and when required for interrogation.

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(g) 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]**.

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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7. With the above directions, this Criminal Original Petition is ordered.

13.05.2020

Index : Yes/No
Internet : Yes/No
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To

1. The Principal Sessions Judge,
Chennai.

2. The CCB Court,
Egmore, Chennai.

3. The Inspector of Police,
CCB Police Team XII,
Chennai-7

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent,
Central Prison, Puzhal,
Chennai



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