

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No.7922 of 2020

M. Mohanraj,
S/o. Murugan,
No.1/122A, Kollai Mettu Street,
Subbon Rou Pettai,
S.V. Nagar,
Arni 632 231.

.. Petitioner/ Accused 7

The State rep. by its
The Inspector of Police,
District Crime Branch,
Tiruvannamalai.

Vs.

[Crime No. 15 of 2019]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr. P. Arivudainambi

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Sections 406 and 420 of I.P.C., in Crime No. 15 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that, the de-facto complainant is Regional Manager in National Collateral Management Services Ltd., which verifies the stock of borrowers who pledge the stocks with the Banks for borrowing and maintain the godowns where the stocks are kept. The de-facto complainant's Company, after verification of stocks gives report to the Banks, based on which the Banks sanction loan to the borrowers. The de-facto complainant has appointed the Collateral Managers whose duty is to verify the stocks and give the report periodically. A1 to A4 have informed the Banks that they are pledging 39,755 bags of paddy and rice and are storing the same in the godown. A5 to A12, who are the Collateral Managers of the de-facto complainant's Company gave a report to that extent. Subsequently during Audit it was found that there were only 22,827 bags in the godown and

16,928 bags were missing. A5 to A12, in collusion with A1 to A4, have given false report and cheated the Bank and the de-facto complainant's Company and made loss of Rs.2.12 Crores. As per the order of this Court, a complaint has been registered by the respondent Police against the petitioner and other accused persons under Sections 406 and 420 of I.P.C.

3. The learned counsel appearing for the petitioner submitted that the petitioner, as Collateral Manager, has discharged his duty without any blemish. The key of the godowns will be with 'Cluster Controller' and he is the custodian of key of all godowns. The petitioner is falsely implicated in the present case. The petitioner is innocent. A8 has been granted anticipatory bail by this Court vide order dated 02.01.2020 in Crl.O.P. No. 32926 of 2019. The petitioner was working even on 14.07.2018 after the alleged complaint was given by the de-facto complainant, till he was relived from the de-facto complainant on 15.11.2018, while, A6, A9, A10, A11 and A12 are absconding from 07.02.2018. The learned counsel appearing for the petitioner further submitted that the petitioner is ready and willing to co-operate with the investigation, he will furnish the sureties and abide by any conditions that

may be imposed by this Court and hence, prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner and other accused colluded together and the petitioner, A5, A6 and A8 to A12 have given false report with regard to stock statement and availability of stocks and caused loss to the tune of Rs.2.12 Crores to the Bank and the de-facto complainant's Company. A1, A5, A9, A10, A11, A12 were arrested and subsequently, enlarged on bail, while the other accused are absconding. The investigation is pending and hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the facts and date of occurrence i.e., 07.02.2018, A1, A5,

A9, A10, A11 and A12 were arrested and enlarged on bail, A8 is granted anticipatory bail and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Court of Judicial Magistrate, Arni, Tiruvannamalai District, on condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the Judicial Magistrate, Arni, Tiruvannamalai District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioner and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) 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.

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

The petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, this Criminal Original Petition is allowed.

सत्यमेव जयते

27.05.2020

Index : Yes / No

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To

1.The Inspector of Police,
District Crime Branch,
Tiruvannamalai.

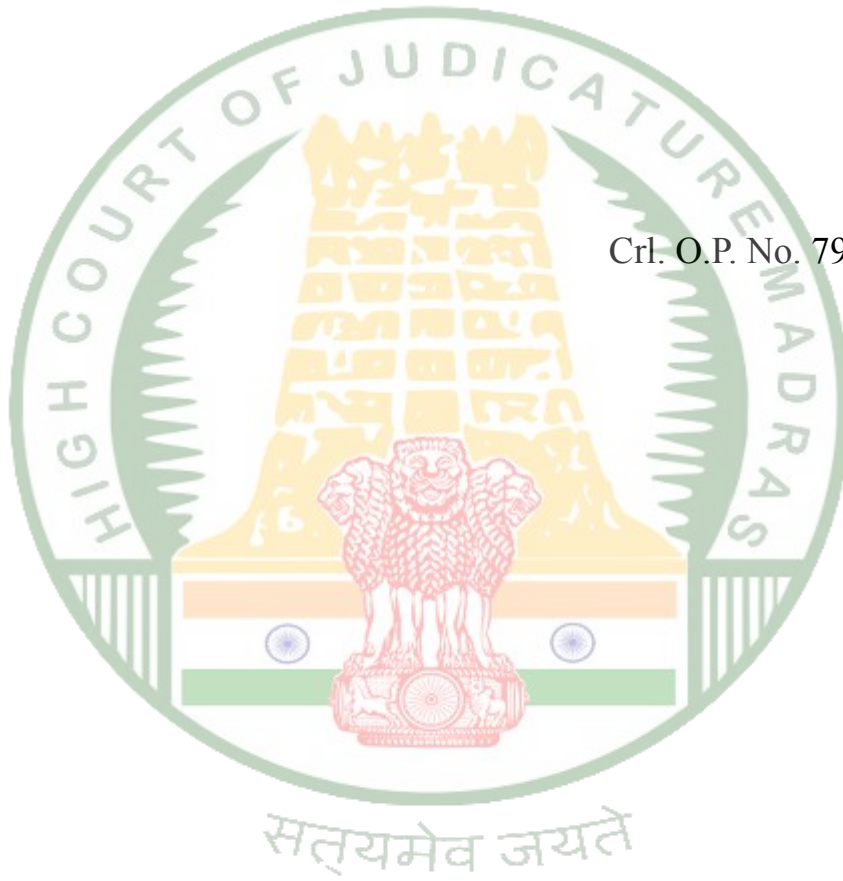
2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

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