

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.10246 of 2020

and

Crl.M.P.No.4902 of 2020

Elanchezhiyan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Nagapattinam,
Crime No.2 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.2 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Dhananjayan

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

For Intervener : Mr. G.Vinodhkumar

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 408, 409, 465, 467, 468, 471, 477-A, 120B IPC in Crime No.2 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Amalanath, Zonal Manager, State Bank of India, Nagapattinam is that the accused who were working as Branch Manager and Cashier in charge of Thirukuvalai branch, State Bank of India, in collusion with few unknown persons have conspired and fabricated the documents, committed irregularities and illegally cheated the bank to the tune of Rs.2,55,73,392.69 crores. The further allegation is that they have manipulated the documents and if loans were given to fictitious persons. Hence the complaint.

<https://hcservices.ecoinfo.gov.in/hcservices> Counsel for the petitioner submitted that the

petitioner is innocent and that he has been falsely implicated in this case. He would further submit that he is only a cashier in charge and the entire transaction was done by the Branch Manager and unnecessarily the petitioner has been made as the scape goat in the transaction and even in the enquiry reveals the specific allegation in respect of the petitioner is that he has sanctioned loans to the relatives without obtaining proper security from them. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with the other Manager and yet another cashier at the time of working at Thirukuvalai branch had fabricated the documents and on falsification of accounts sanctioned loan to several persons and their relatives and caused loss to the Bank and submitted that A2 misappropriated Rs.42,72,558/- and the defacto complainant is the Public Bank and that investigation is going on and he would submit that custodial interrogation is required for the purpose of investigation. Hence, he opposed for grant of bail to the petitioners.

5. The learned counsel for the intervener, Mr.G.Vinodhkumar, vehemently opposed stating that the petitioner was the cashier in charge of the branch and he along with the Branch Manager and another cashier committed criminal misappropriation by falsification of accounts and tampering of records and given loans to several fictitious persons and that they have been suspended and only if they are arrested, the respondent will be able to get the further details.

6. Taking into consideration the facts and submissions made by the learned Counsel and the magnitude of the offence that more than Rs.2 crores of public funds have been misappropriated by the bank staff and that the custodial interrogation is required, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed and the connected miscellaneous petition is also closed.

-sd/-

19/08/2020

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

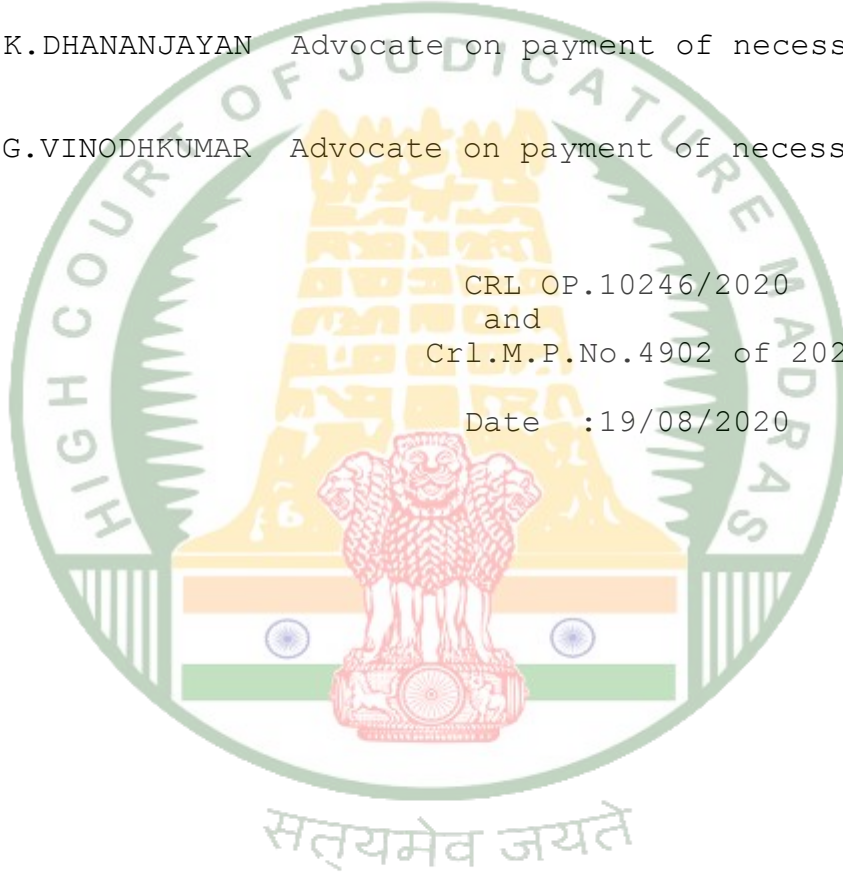
3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.

CC to M/S. K.DHANANJAYAN Advocate on payment of necessary
charges

CC to M/S. G.VINODHKUMAR Advocate on payment of necessary
charges

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RD 09/09/2020



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