

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.OP.No.10605 of 2020

and Crl.MP.No.5273 of 2020

M.Rajammal

...Petitioner

- Vs -

The State, rep.by
Sub Inspector of Police,
S-8, Adambakkam Police Station,
Adambakkam, Chennai.
Crime No.619/2019.

... Respondent

Criminal Original Petition filed u/s 438 of the Criminal Procedure Code praying this Court to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.619 of 2019 on the file of the respondent police.

For Petitioner : Mr.Camyles Gandhi

For Respondent :T.P.Savitha, GA

For Intervenor :M/S.M.Palanivel

ORDER

The petitioner/accused who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 and 409 of IPC in Crime No.619 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner/A1 colluded with another person/A2 and pledged some spurious jewels and obtained huge money to the tune of Rs. 18.77 lakhs approximately, from the Vijaya Bank, Adambakkam, and thereby caused huge loss to the Bank, which resulted in the present complaint.

3. It appears that this is the second anticipatory bail application filed by the petitioner/accused. On an earlier occasion, though initially this Court had granted bail to the petitioner on condition that the petitioner furnish property security to the tune of Rs.20,00,000/- which was duly complied with, however, subsequent acts of the accused prompted cancellation

of the bail granted.

4.Learned counsel appearing for the petitioner submitted that the total mount borrowed by the petitioner is to the tune of Rs.18.77 lakhs and in furtherance to the direction of this Court, title deeds of property valued at Rs.25 lakhs were deposited with the bank as security and this Court granted anticipatory bail as per the undertaking given by the petitioner to deposit a sum of Rs.10,00,000/- within a period of two weeks and thereafter considered the request made by the petitioner, this Court listed the mater on 25.09.2020 for reporting compliance. He further submitted that Initially the petitioner deposited a sum of Rs. 5,00,000/- on 08.10.2020 and thereafter due to COVID-19 pandemic situation , the balance was not deposited in time. Subsequently the petitioner has deposited a sum of Rs.4,40,000/- on 28.10.2020 and thereafter deposited the remaining sum of Rs.60,000/- on 29.10.2020 with the bank, which receipts have been confirmed by the learned counsel appearing for the bank and, therefore, it is clear that the accused has complied the condition imposed by this Court. Hence, learned counsel prays this Court may enlarge the anticipatory bail on the petitioner.

5.Learned counsel appearing for the Bank/Intervener submitted that the total amount involved in this case comes around to the tune of Rs.24 lakhs, out of which a sum of Rs.10 lakhs alone has been deposited and the balance amount of Rs.14,00,000/- is pending. If the petitioner is enlarged on bail and the title deeds worth of Rs.20 lakhs is released to the petitioner, it would be difficult for the bank to realise the balance amount from the petitioner. Therefore, he submits that the bank may be permitted to retain the title deeds and proceed to auction the property in accordance with law to realise the balance amount payable by the petitioner.

6.Learned Government Advocate appearing on behalf of State submits that investigation is still continuing.

7.Considering the facts and circumstances of the case, taking into consideration the fact that an amount of Rs.10,00,000/- has been deposited by the petitioner with the bank and balance amount of approximately Rs.14 Lakhs is to be paid to the bank, this Court, while confirming the anticipatory bail given to the petitioner on the conditions stipulated in the order dated 4.9.20, keeping in mind the fact that the petitioner is due a sum of Rs.14 Lakhs to the bank, permits the bank to proceed in accordance with law to realise the amount payable by the petitioner, including auctioning of the property.

8. Learned counsel appearing for the petitioner submitted that the time for furnishing the sureties may be extended by a further period of two weeks to enable the petitioner to produce the required sureties. The plea as made on behalf of the petitioner is

ordered and the time for producing the sureties is extended by a further period of two weeks from the date of receipt of a copy of this order.

-sd/-
03/11/2020

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,
ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
S8 ADAMBAKKAM POLICE STATION,
ADAMBAKKAM, CHENNAI.

5 THE BRANCH MANAGER
BANK OF BARODA,
ADAMBAKKAM BRANCH

CC to M/S. P.SARAVANA SOWMIYAN Advocate on payment of
necessary charges

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TA-04/11/2020

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