

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 14116 of 2020

Yamini Preetha

... Petitioner

Vs.

State Represented by
The Inspector of Police,
CCB Police,
Chennai.
(Crime No.76 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail in the event of arrest of the petitioner in Crime No.76 of 2020, on the file of the respondent police.

For Petitioner : Ms.A.Rajeswari

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 465, 467, 468 and 471 of Indian Penal Code, 1860, in Crime No.76 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant, who is a Zonal Manager of Punjab Sindh Bank, is that the petitioner colluded with the other accused had furnished fake I.T. Returns and other documents for the purpose of obtaining loan from the defacto complainant bank and availed four vehicle loans. Later, the petitioner had furnished fake documents as if the vehicles were purchased and totally cheated the bank to the tune of Rs.2,14,00,000/-. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner lady is arrayed as A3 in this case. She would further submit that brother-in-law of the petitioner, who is an accused in the connected crime number had misused the documents of the petitioner and availed loan from the bank for the purchase of vehicles and thereby, cheated the bank. She would further submit

that so far as the petitioner is concerned, the loan availed is Rs.15 lakhs and as on date, the outstanding loan amount is Rs.13.5 lakhs. The petitioner is a sick lady and she has got a two year old kid and she has been deserted by her husband also. Taking advantage of the pitiable situation of the petitioner, the brother-in-law of the petitioner had misused the documents. The learned counsel would also submit that without prejudice to her defence and contentions before the Trial Court, the petitioner is prepared to deposit original title deeds of immovable property to the value of Rs.15 lakhs either belonging to her or her friends. The learned counsel appearing for the petitioner would further submit that the family friend of the petitioner one James S/o. Gootam Edward David, residing at No.20, Kolandaivelu Street, Purasawakkam, Chennai-600 007 has offered to furnish his original title deed of immovable property belonging to his father as security to the credit of Crime No.76 of 2020 before the Court. She would further submit that the total extent of the property is 7400 sq.ft. and the property stands in the name of Mr.Gootam Edward David, father of James and Mr.James is the only legal heir to the said property. Hence, she prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently opposed stating that the petitioner colluded with other accused and furnished fabricated documents and availed loan to the tune of Rs.2,14,00,000/- and without purchasing the vehicles, the petitioner had cheated the Bank. He would further submit that so far as the petitioner is concerned, the loan availed is Rs.15 lakhs. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and the submissions made by the learned counsels and the fact that the petitioner has offered to deposit the original sale deed of the immovable property bearing document No.1074/1967 to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance within a period of fifteen days from the date on which the order copy is made ready, before the learned CCB & CBCID Court, Egmore, on condition that the petitioner shall deposit the original sale deed of the immovable property bearing document No.1074/1967 to the credit of the crime No. 76 of 2020 and the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

(b) the petitioner and 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;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter every Monday at 10.30 a.m until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigating or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

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

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

-sd/-

30/09/2020

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 CCB & CBCID COURT,
EGMORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CCB POLICE,
CHENNAI.

CC to M/S A.RAJESWARI Advocate on payment of necessary charges

CRL OP.14116/2020

Date :30/09/2020