IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.15821 of 2020

and

Crl.M.P.No.7653 of 2020

Santhi M ... Petitioner

Vs.

State of Tamil Nadu
rep by Inspector of Police,
Central Crime Branch,
Chennai District.
(Crime No.217/2020) ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.217 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Ramalingam

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The case of the prosecution as per the defacto complainant, the Senior Manager, Syndicate Bank, Nandanam Branch is that A1 / Murali in this case is a jewel appraiser in the said bank and he colluded with other accused and by fabrication of documents and pledging spurious gold jewels, cheated the bank to the tune of Rs.1,02,32,000/-.

2.This Court by order dated 16.10.2020 had granted interim bail to the petitioner for a period of four weeks from 16.10.2020 on the undertaking given by the petitioner that she would deposit a sum of Rs.5 lakhs to the credit of Crime Number 217 of 2020 before the concerned Court. However, the petitioner did not pay the amount and further time was sought for by the petitioner and this Court by order dated 04.12.2020 had extended the time till 10.12.2020 and directed the matter to be posted to 10.12.2020. However, the matter was listed only today i.e.14.12.2020.

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3. When the matter was taken up today, the learned Counsel for the petitioner would submit that the petitioner was unable to arrange the said sum of Rs.5 lakhs and she has got only Rs.1 lakh at present.

4. It is the case where a Nationalized Bank has been cheated to the tune of Rs.1,02,32,000/-. The petitioner in collusion with A1-Murali, the Jewel Appraiser of the Syndicate Bank, by fabrication of documents and by pledging spurious jewels had cheated the bank to the tune of Rs.1,02,32,000/-. Insofar this petitioner is concerned, she has cheated the bank to the tune of Rs.34 lakhs and the entire amount had gone into the account of the petitioner. However, taking into consideration the undertaking given by the learned Counsel for the petitioner, this Court by order dated 16.10.2020 had granted interim bail to the petitioner directing her to deposit a sum of Rs.5 lakhs to the credit of Crime No.217 of 2020 within a period of four weeks. Thereafter, time extension was sought for by the petitioner and this Court by order dated 04.12.2020 extended the time till 10.12.2020. However, the petitioner did not comply with the undertaking.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that it is a case of serious fraud where the petitioner along with one Murali-A1, the Jewel Appraiser of the bank, by pledging spurious jewels and by fabrication of documents, had cheated the bank to the tune of Rs.1,02,32,000/-. He would further submit insofar as this petitioner is concerned, 32 spurious jewels were pledged by the petitioner and she has been granted loan of Rs.34 lakhs and the entire amount was transferred to her bank account and thereafter, she had withdrawn the entire amount from her bank account. The further allegation is that she has not even repaid a single rupee to the bank.

6. Heard the learned Counsels and perused the materials placed on record.

7. It is seen that it is a case of serious fraud. The petitioner knowing fully well that her jewels are spurious, with the help of the Jewel Appraiser of the bank, had pledged 32 nos. of fake jewels and obtained a sum of Rs.34 lakhs and that she has not even repaid a single rupee to the bank. However, taking into consideration that the petitioner is a lady and that an undertaking was given before this Court that she would deposit an amount of Rs.5 lakhs to the credit of crime number within four weeks, this Court had granted interim bail to the petitioner. Subsequently, on the request made by the petitioner, time was also extended for a further period till 10.12.2020. Whereas, despite the undertaking given by the petitioner and the extension of time, the petitioner has not complied with the undertaking given before this Court. In such circumstances, the interim bail granted to the petitioner cannot be extended further.

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8. Accordingly, the interim bail granted to the petitioner in Crl.O.P.No.15821 of 2020 by order dated 16.10.2020 stands canceled. Consequently, connected miscellaneous petition is closed.

9. The petitioner is directed to surrender before the Superintendent of the concerned Prison from which she was released, on or before 5.30 p.m. on 15.12.2020. Failing which, the respondent police is directed to take steps to secure the petitioner and remand her into judicial custody.

-sd/-
14/12/2020

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 SPECIAL COURT,
EGMORE, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CHENNAI.

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

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& CRL.MP.NO.7653/2020

Date :14/12/2020

MK:15/12/2020

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