

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

CORAM :

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

Crl.O.P.Nos.17712 and 17058 of 2020

R.Elanchezhian ... Petitioner in Crl.O.P.No.17712 of 2020

V.Karthikeyan ... Petitioner in Crl.O.P.No.17058 of 2020

Vs.

The State ... Respondent in both Crl.O.P.s
represented by
The Inspector of Police
District Crime Branch
Nagapattinam District
(Crime No.02 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in in Crime No.02 of 2020 on the file of the respondent.

For Petitioner : Mr.K.Sampath Kumar
(in Crl.O.P.No.17712 of 2020)

For Petitioner : Mr.A.Ashvathamam
(in Crl.O.P.No.17058 of 2020)

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
(in both Crl.O.Ps.)

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences publishable under **Sections 408, 409, 465, 467, 468, 471, 477-A and 120B of IPC**, in Crime No.02 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Amalanand, Regional Manager, State Bank, Nagapattinam, is that the accused who were working as a Cashier and Branch Manager in the

State Bank of India, Thiruvarur Branch, in collusion with other officials enclosed surreptitiously fabricated documents and committed irregularities and cheated the bank to the tune of Rs.2.55 Crores. The further allegation is that they have manipulated the documents as if loans have been given to various persons, dubiously.

3.The learned counsel appearing for the petitioner in Crl.O.P.No.17058 of 2020 would submit that that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that since there was some discrepancy in the accounts, the petitioner was made as a scapegoat and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail.

4. The learned counsel appearing for the petitioner in Crl.O.P.No.17712 of 2020 would submit that that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that this is the second application for anticipatory bail and the earlier application was dismissed by this Court in Crl.O.P.No.10246 of 2020 by order dated 19.08.2020. He would submit that the petitioner was a Cashier and incharge at the relevant period and the entire transaction was done by the Branch Manager and that unnecessarily, the petitioner has been made as a scapegoat. Even the departmental enquiry reveals that the allegation against the petitioner is that he had sanctioned loans to his relatives without obtaining proper documents. Hence, he prays for grant of anticipatory bail.

5.The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose stating that the petitioners who are Manager and Cashier at the relevant time, have fabricated the documents and by falsification of records, sanctioned loans to fictitious persons and caused loss to the Bank to the tune of Rs.2.55 Crores. He would submit that a huge public money is involved in this case and the custodial interrogation of the petitioners is very much required in this case.

6. Taking into account the magnitude of offence that more than Rs.2.50 Crores have been misappropriated by the bank staffs by manipulation of records and taking into account the submission of the learned Additional Public Prosecutor that the custodial interrogation of the petitioners is very much required, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
18/11/2020

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

TRUE COPY

TO

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

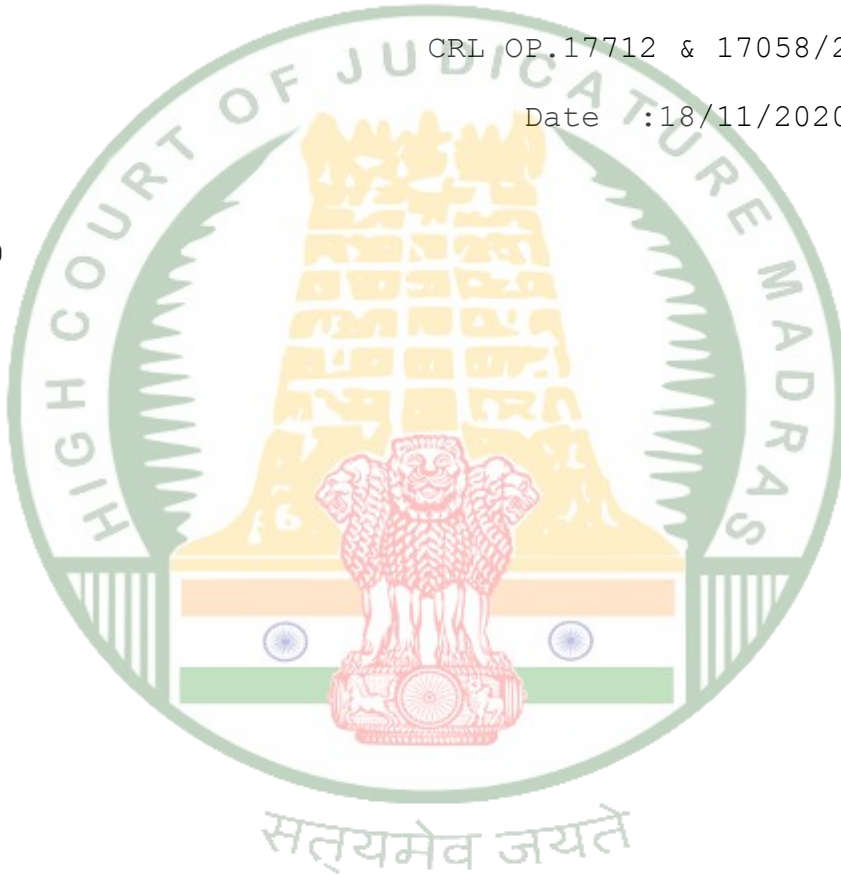
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.17712 & 17058/2020

Date :18/11/2020

TA-07/12/2020



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