



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fourth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.3580 of 2020

IN

CRL OP(MD) No.6398 of 2020

THE HDFC BANK LTD
REP BY ITS BRANCH MANGER,
J.JOHN SIMON KIRUBAKARAN,
KADAYANALLUR BRANCH,
KRISHNAPURAM, KADAYANALLUR,
TIRUNELVELI DISTRICT-627 759. ... PETITIONER/DEFACTO COMPLAINANT

Vs

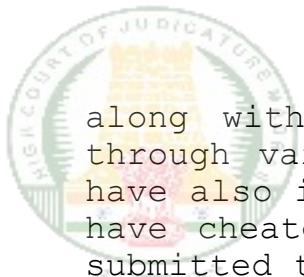
- 1 R.RAJTHILAK ... 1st RESPONDENT/PETITIONER/ACCUSED No.2
- 2.THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
KADAYANALLUR,
TIRUNELVELI DISTRICT. ... 2nd RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the order of anticipatory bail dated 19.06.2020 made in Crl.OP(MD)No. 6398 of 2020 granted by this Hon`ble Court to the 1st respondent herein.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr. AK.GOPALAN, Advocate for the petitioner and of Mrs.M.ANANTHADEVI, Government Advocate(Crl. Side) on behalf of the 2nd Respondent, the Court made the following order:-

This petition has been filed to cancel the anticipatory bail, which was granted by this Court to the first respondent/accused (A2) in Crl.O.P.(MD) No.6398 of 2020, dated 19.06.2020.

2.The learned counsel appearing for the petitioner submitted that totally there are two accused in this case, in which, the first respondent has been arraigned as A2. The first respondent

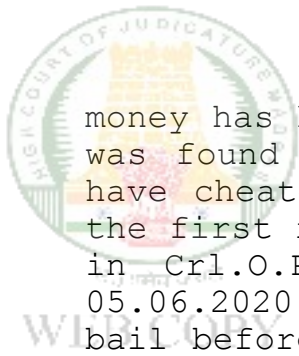


along with other accused have collected a sum of Rs.48,00,000/- through various cheques promising to deposit in the Bank and they have also issued fake deposit receipts to the customer thereby, they have cheated the Bank to the tune of Rs.48,00,000/-. He further submitted that on the domestic enquiry, the accused has admitted the liability and also undertakes to return the amount with interest on or before 30.06.2020. In this regard, he has given a letter, on 21.05.2020. While that being so, the first respondent suppressing the above said facts, approached this Court for anticipatory bail in Crl.O.P.(MD).No.5678 of 2020 and the same has been dismissed by this Court, dated 05.06.2020. Again, within one week from the date of dismissal of the earlier anticipatory bail, the first respondent has approached this Court once again for anticipatory bail in Crl.O.P.(MD).No.6398 of 2020 and suppressing the above said facts, the first respondent has obtained anticipatory bail. He further submitted that the defacto complainant intervened the earlier anticipatory bail petition and as such, the second respondent ought to have issued notice to the defacto complainant to approach this Court for anticipatory bail. Therefore, earlier anticipatory bail petition as well as the suppressing the admission of liability, the second respondent on false representation, has obtained anticipatory bail before this Court. Hence, he sought for cancel the anticipatory bail granted to the second respondent.

3.The learned counsel appearing for the first respondent submitted that the first respondent had never suppressed any of the fact as alleged by the petitioner/defacto complainant. In fact, earlier anticipatory bail petition in Crl.O.P.(MD).No.6398 of 2020, the first respondent categorically stated in his petition, that earlier he has approached this Court for anticipatory in Crl.O.P.(MD).No.5678 of 2020 and the same was dismissed on 05.06.2020. After considering the facts and circumstances of the case and the fact that the first respondent is also ready and willing to deposit a substantial amount, this Court has granted anticipatory bail to the second respondent. Accordingly, the second respondent has also deposited the said amount and complied with the condition imposed by this Court, while granting anticipatory bail. Hence, he prayed for dismissal of this petition.

4.Heard the learned Government Advocate (Crl. Side) appearing for the respondent Police.

5.On perusal of the materials available on record, it is seen that totally there are two accused in this case, in which, the first respondent has been arraigned as A2. On the complaint given by the petitioner, the first respondent Police has registered the case in Crime No.270 of 2020, for the offences punishable under Sections 468, 409 and 477A of IPC alleging that the accused persons have collected a sum of Rs.48,00,000/- through various cheques promising to deposit in the Bank and they have also issued fake deposit receipts to the customer thereby, they have cheated the Bank to the tune of Rs.48,00,000/-. He further submitted that on the domestic enquiry, the accused has admitted the liability and also undertakes to return the amount with interest on or before 30.06.2020. In this regard, he has given a letter, on 21.05.2020. While that being so, the first respondent suppressing the above said facts, approached this Court for anticipatory bail in Crl.O.P.(MD).No.5678 of 2020 and the same has been dismissed by this Court, dated 05.06.2020. Again, within one week from the date of dismissal of the earlier anticipatory bail, the first respondent has approached this Court once again for anticipatory bail in Crl.O.P.(MD).No.6398 of 2020 and suppressing the above said facts, the first respondent has obtained anticipatory bail. He further submitted that the defacto complainant intervened the earlier anticipatory bail petition and as such, the second respondent ought to have issued notice to the defacto complainant to approach this Court for anticipatory bail. Therefore, earlier anticipatory bail petition as well as the suppressing the admission of liability, the second respondent on false representation, has obtained anticipatory bail before this Court. Hence, he sought for cancel the anticipatory bail granted to the second respondent.



money has been deposited in the Bank account. On verification, it was found that no amount was deposited in the Bank and A1 and A2 have cheated the Bank to the tune of Rs.48,00,000/-. Thereafter, the first respondent has approached this Court for anticipatory bail in Crl.O.P.(MD).No.5678 of 2020 and the same was dismissed on 05.06.2020. Again, the first respondent has filed anticipatory bail before this Court in Crl.O.P.(MD).No.6398 of 2020 stating that earlier anticipatory bail petition filed by him in Crl.O.P.(MD).No.5678 of 2020, was dismissed by this Court on 05.06.2020 and the first respondent is ready and willing to deposit a sum of Rs.3,00,000/- in favour of the defacto complainant, therefore, this Court has granted anticipatory bail to the first respondent. Further, the petitioner/defacto complainant submitted that, the first respondent and other accused have duly admitted their liability on the domestic enquiry conducted by the petitioner/defacto complainant by letter, dated 21.05.2020 and that they undertake to return the amount of Rs.20 Lakhs with interest to the customer on or before 30.06.2020 and the said fact was suppressed while approaching this Court.

6.On perusal of the letter of acknowledgement send by the first respondent herein, the first respondent did not admit his liability while asking for anticipatory bail.

7.As discussed above, the first respondent did not suppress any of the facts, in fact, the conditions imposed by this Court have been duly complied by the first respondent herein, Therefore, the petition is devoid of merits and liable to be dismissed.

8.Accordingly this Criminal Miscellaneous Petition is dismissed.

sd/-
04/11/2020

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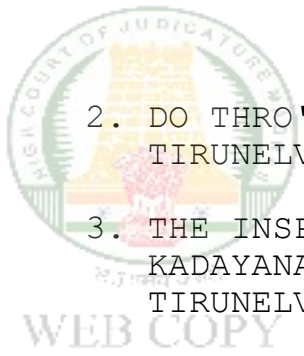
/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.

<https://hcservices.ecourts.gov.in/hcservices/>



2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.3580 of 2020
IN
CRL OP (MD) No.6398 of 2020
Date :04/11/2020

vsg
AE/SMA/SAR-IV (18.11.2020) 4P 5C