BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 18/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL.O.P.(MD). Nos.8064, 8291 and 8415 of 2020

CRL.O.P.(MD). No.8064 of 2020:

B.Sureshkanna : Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Central Crime Branch,
Madurai.
Crime No.43 of 2020 :Respondent/Complainant

R.Arun Renganathan,
Represented by its Manager,
Karur Vysya Bank,
Mattuthavani Branch,
Madurai District. : Petitioner/Intervenor
IN CRL MP(MD)No.3901 of 2020
IN CRL OP(MD)No.8064 of 2020

For Petitioner : Mr.C.Vakeeswaran,Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Mr.B.Vinoth Balan, Advocate
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CRL.O.P.(MD). No.8291 of 2020:

G.Kesavan : Petitioner/Accused No.6

Vs.

State represented by
The Inspector of Police,
Central Crime Branch,
Madurai City.
(Crime No.43 of 2020). :Respondent/Complainant

R.Arun Renganathan,

Represented by its Manager,
Karur Vysya Bank,
Mattuthavani Branch,
Madurai District. : Petitioner/Intervenor
IN CRL MP(MD)No.4017 of 2020
IN CRL OP(MD)No.8291 of 2020

For Petitioner : Mr.A.Jayaramachandran, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi, Government Advocate (Crl.Side)
For Intervenor : Mr.B.Vinoth Balan, Advocate

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CRL.O.P.(MD). No.8415 of 2020:

1.P.Saravannan,
2.R.Muthurkumar
3.Pitchai
4.Ganesan : Petitioners/Accused Nos.2,4,8 and 9

Vs.

State through
The Inspector of Police,
City Crime Branch,
Madurai City, Madurai.
Crime No.43 of 2020) :Respondent/Complainant

For Petitioners : Mr.K.Chengiz Khan, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi, Government Advocate (Crl.Side)

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PETITIONS FOR ANTICIPATORY BAIL UNDER SECTION 438 OF THE CODE OF CRIMINAL PROCEDURE.

COMMON PRAYER :-
For Anticipatory Bail in Crime No.43 of 2020 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.43 of 2020 for the offences punishable under Sections 120B, 465, 467, 468, 471 and 420 of the Indian Penal Code, the petitioners/Accused Nos.1,6,2,4,8 and 9 have come forward with the present petitions seeking anticipatory bail respectively.

2. The petitioner in Crl.O.P.(MD).No.8064 of 2020 is the first accused; the petitioner in Crl.O.P.(MD).No.8291 of 2020 is the sixth accused and the petitioners in Crl.O.P.(MD).No.8415 of 2020 are Accused Nos.2,4,8 and 9 in this crime.

3. The case of the prosecution, in brief, is as follows:

3.1. The *defacto* complainant is the Branch Manager of Karur Vysya Bank, Mattuthavani Branch, Madurai. In the month of February, 2019, Accused No.1 in this case introduced Accused Nos.2,4 and 6 to the *defacto* complainant and informed him that the above said accused proposed to purchase house properties at Mathoor Village, Madurai District and they have also entered into a sale agreement with the original owners and requested him to grant loan and all the petitioners have produced a copy of the sale agreement and also the report submitted by the Bank Engineer, who was arrayed as Accused No.11 in this crime.

3.2. Based on the documents submitted by the petitioners and also the valuation report submitted by Accused No.11, the Bank has granted loan for a sum of Rs.22,50,000/- [Rupees Twenty Two Lakhs and Fifty Thousand only] to Accused No.2 and a sum of Rs.53,63,000/- [Rupees Fifty Three Lakhs and Sixty Three Thousand only] to Accused No.4 and another sum of Rs.20,27,000/- [Rupees Twenty Lakhs and Twenty Seven Thousand only] to Accused No.6.

3.3. Subsequently, on re-inspection of all the documents produced by the petitioners, a doubt has arisen and hence, a field inspection was conducted by the bank officials and it was found that all the documents produced by the petitioners are forged one and there is no house situated in the above land and it is kept as a vacant site. That apart, the planning permission, house tax receipt and electricity bill are also forged documents. Thus, all the accused cheated the bank and also committed forgery. Even though the petitioners have paid some installments, subsequently, they failed to repay the loan amount and the loan amount has been declared as 'Non Performing Assets'. When the *defacto* complainant approached the petitioners, they have criminally intimidated him. Hence, the complaint.

4. The learned counsel appearing for Accused No.1 submitted that loan was granted to Accused Nos.2,4 and 6 and Accused No.1 has nothing to do with the alleged occurrence and he has been falsely implicated in this case. Since the above said accused are working under Accused No.1, he has been implicated in this case. Accused No.1 is running a School and social worker and if he was arrested, his image will be spoiled. Hence, he prays for anticipatory bail.

5. The learned counsel appearing for the other accused also submitted that after filing necessary documents, loan has been granted to the petitioners and they have also been repaying the loan amount regularly. They have not committed any default and loan has been granted only based on the report submitted by Accused No.11. The petitioners have been falsely implicated in this case. Hence, they pray for anticipatory bail.

6. The respondent police has filed a detailed counter-

affidavit stating that based on the forged documents produced and the report of Accused No.11, loan amount has been sanctioned to Accused Nos.2,4 and 6. The bank statement of Accused No.2 reveals that EMI installment has been transferred from the account of Accused No.1, which is maintained by him in KVB Bank, Alavayal, Pudukkottai District. That apart, the photograph of the house produced before the bank in the valuation report of Accused No.11 is the house belonging to Accused No.1. Accused No.1 and his brother-in-law-Neelamegam were actually involved in opening the account in the name of Prabakaran/Accused No.5, and Accused No1, by forging the signature of the said Prabakaran/Accused No.5, withdrew the amount. Accused No.1 was also using the ATM card of Accused No.5 for purchasing jewels from various Jewellery Shops in Madurai. Further, the building plan permission said to have been issued by Mathoor Village Panchayat is also forged one and the Secretary of the Village Panchayat gave a statement to the effect that the Panchayat has not issued any planning permission.

7. Countering the aforesaid submissions made by the respective learned counsel, the learned Government Advocate (Criminal side) appearing for the respondent police submitted that Accused Nos.2,4 and 6 are all working under Accused No.1 and the entire occurrence took place only at the instance of Accused No.1 and loan has been granted based on the forged documents. Now, the investigation clearly reveals the involvement of Accused No.1 and other accused in this crime and they cannot plead not guilty. Hence, he prayed for dismissal of the present petitions.

8. The learned counsel appearing for the intervenor submitted that the petitioners herein, by producing forged documents, obtained loan from the bank and they have also failed to repay the amount. The investigation clearly reveals the involvement of all the petitioners in this crime. Hence, they are not entitled for anticipatory bail.

9. I have considered the rival submissions and also perused the materials available on record in the form of typed-set of papers.

10. From the perusal of materials available on record, it could be seen that the main accused, namely Accused Nos.2,4 and 6 are working under Accused No.1 and Accused No.1 introduced the above accused to the *defacto* complainant for sanctioning housing loan and thereafter, produced the forged documents and obtained housing loan. The investigation clearly reveals that Accused No.1 has paid the installment on behalf of the other accused and he along with Accused No.5 withdrew the amount and money was also transferred from the account of Accused No.7 and the other petitioners were also actually involved in withdrawal of amount and obtaining the loan from the bank fraudulently. Now, as the investigation is pending and custodial interrogation is also required in this case, considering

the gravity of the offence and all the petitioners planned together and cheated the bank to the tune of Rs.96,40,000/-[Rupees Ninety Six Lakhs and Forty Thousand only] by producing forged documents, this Court is **not** inclined to grant anticipatory bail to the petitioners.

11. In the result, the Criminal Original Petitions stand dismissed.

sd/-
18/08/2020

/ TRUE COPY /

/08/2020
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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI.

2.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-5999[I] dated 19/08/2020)

ORDER
IN
CRL.O.P.(MD). Nos.8064, 8291 and 8415 of 2020
Date :18/08/2020

SML
TK/SKM/SAR.3/21.08.2020/5P/4C