IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.797 and 823 of 2021

S. Ravi ... Petitioner in both Crl.O.Ps

Vs.

The State Rep. by ... Respondent in both Crl.O.Ps
The Inspector of Police,
Bank fraud Wing - Team: XI
Central Crime Branch,
Chennai - CCB District.
(Crime No.96 of 2020 & 4 of 2019)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.96 of 2020 & 4 of 2019 pending investigation on the file of the Respondent.

For Petitioner in both Crl.O.Ps. : Mr. A.K.Jaya Raj

For Respondent in both Crl.O.Ps. : Mr.M. Prabhavathi, APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 11.12.2020 for the offence punishable under Sections 120-B and 420 of IPC in Crime No.96 of 2020 and offences under Sections 120(B), 420, 465, 467, 468, 471 in Crime No.4 of 2019, seeks bail.

2. Totally, there are four accused and the petitioner is A4. The case of the prosecution is that main accused obtained loan from Indian Overseas Bank and Vijaya Bank to the tune of Rupees two crores by using forged documents. Based on the complaint given by the Bank officials, both the cases have been registered. The allegation against the petitioner/A4 is that he had created all the forged documents and thereby, enabling the main accused to obtain loan.

3. The learned counsel for the petitioner would submit that the petitioner is running a computer center and doing job typing and the petitioner was not aware of the fact that those documents are

going to be used by the main accused for committing crime. That apart, the name of the petitioner is not found in the First Information Report and he has been falsely implicated in these cases only based on the confession of A1. Hence, he seeks bail to the petitioner in both the cases.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has created bogus documents, viz., IT returns, balance sheets, bank statements, Aadhar Card, Voer ID and using the same, the main accused had cheated the bank and got two loans to the tune of Rupees Two Crores from different bank. She would further submit that investigation in this case is almost completed. Hence, she opposed to grant bail to the petitioner in both the cases.

5. Considering the said facts and circumstances of the case and the fact that investigation in this case is almost completed and also the fact that the petitioner is only a job typist and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, in both the cases, subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, in both the cases, each for a like sum to the satisfaction of the learned CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai, and on further conditions that:

(b) 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 daily at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

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

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

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

6. With the above directions, both the Criminal Original Petitions are ordered.

-sd/-
05/02/2021

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 AND CBCID METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OFPOLICE,
BANK FRAUD WING -TEAM XI,
CENTRAL CRIME BRANCH,
CHENNAI .

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+2 CC to M/S A.K.JAYARAJ Advocate on payment of necessary charges SR NO. 1188,1189

CRL OP.797 & 823/2021

Date :05/02/2021

MN-08/02/2021