

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.584 of 2021

T.Sugumar @ Sugumar Radha

...Petitioner

Versus

The State rep.by

The Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner in the event of arrest, in connection with the criminal case in Cr.No.3533 of 2020 on the file of the respondent Police.

For Petitioner : Mr.S.Venkatesan

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 406 and 420 IPC in Cr.No.3533 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner colluded with the staff of National Collateral Management Services Ltd., (hereinafter referred as 'NCML') had obtained loans from the banks to the tune of Rs.54,06,026/-, with the security of paddy sacks warehoused in NCML by producing fabricated documents and by depositing chaff sack instead of depositing paddy sacks in the godown of National Collateral Management Services Ltd., and thereafter on investigation it revealed that no paddy sacks were deposited while borrowing loan and hence, the defacto complainant has filed a complaint before the law enforcing agency.

3. The learned counsel appearing for the petitioner submits the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. In fact the property was brought to auction and reserve price was fixed at

Rs.50,00,000/-. However, the learned counsel, on instructions, submits that he is ready to deposit the amount of Rs.10,00,000/- to the Axis Bank, without prejudice to his rights and prays for anticipatory bail.

4. The learned Government Advocate (Crl.Side) submits that the amount misappropriated is huge in nature and therefore, opposed this petition.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioner to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Arni, Thiruvannamali, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non refundable deposit of Rs.10,00,000/- (Rupees Ten Lakhs only) to the Axis Bank, within a period of six weeks from today, without prejudice to his defence before the trial Court and produce proof of payment and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c) Any amount in excess of loan amount of Rs.54,06,026/-, which is realised by the Bank from the auction shall be refunded back to the petitioner;

(d) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(e)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(h) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

16/06/2021

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 JUDICIAL MAGISTRATE,
ARNI, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ARNI TALUK POLICE STATION,
THIRUVANNAMALAI AND DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

WEB COPY

CRL OP.584/2021

Date :16/06/2021

RVR 07/07/2021