

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5783 of 2021

Vignesh

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
District Crime Branch P.S.,
Nagapattinam District,
Nagapattinam,
(Crime No.2 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2 of 2020 on the file of respondent police.

For Petitioner : Mr. S. Ramachandran

For Respondent : Mrs. M. Prabavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A3. The petitioner, who was arrested and remanded to judicial custody on 07.02.2021 for the offence punishable under Sections 408, 409, 465, 467, 468, 471, 477A, 120B of I.P.C., in Crime No.2 of 2020, seeks bail.

2. The case of the prosecution is that A1, who was working as a Manager in State Bank of India, Tirukkuvalai Branch, Nagapattinam District, has granted a loan to various fictitious persons and also misappropriated the money and misused 97 KCC accounts. That apart, he has committed fraud in granting gold loan along with other two accused and misappropriated the amount to the tune of Rs.2,55,73,392/-. Hence, based on the complaint given by the bank officials, the petitioner was arrested on 07.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner was only a cashier and he has no role to play in it. He has joined in the bank only in the year 2019 and regarding sanction of gold loans without pledging gold ornaments is concerned,

it was happened before the petitioner has taken in-charge to that post. He would submit that he has no authority to sanction loan and it was directly come under the purview of the Branch manager and the petitioner has been falsely implicated in this case. He would submit that the petitioner is in jail for more than 45 days and the investigation is almost completed. He would further submit that main accused A1 in this case has already been released on bail on condition to deposit a sum of Rs.15 lakhs. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the investigation is almost completed, which would reveal that the petitioner along with other accused have committed fraud to the tune of Rs.2.55 crores. She would submit that final report has been filed. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, the investigation is completed and final report has been filed, at this stage, the custodial interrogation of the petitioner is not required and co-accused in this case has already been released on bail and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.2 of 2020 on the file of respondent police before the Judicial Magistrate No.I, Nagapattinam within a period of four weeks from the date of receipt of a copy of this order.

(b) On such deposit, the petitioner is directed to 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 learned Judicial Magistrate No.I, Nagapattinam, and on further conditions that:

(c) 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;

(d) after coming out on bail, the petitioner shall deposit original title deeds of the properties stand in his name or his relatives names, not less than the value of Rs.10,00,000/- (Rupees Ten Lakhs only) along with the valuation report obtained from the Valuation Authority concerned to the credit of Crime No.2 of 2020 on the file of the respondent, within a period of four weeks from the date of his release, failing which the bail granted to the petitioner shall stand automatically cancelled, and the respondent is directed to secure and remand the petitioner in accordance with law;

(e) the petitioner, on release from the prison, shall report before the respondent police, as and when required for interrogation;

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

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

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

(j) 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/03/2021

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

+1 CC to M/S.S.RAMACHANDRAN Advocate on payment of necessary
charges SR NO. 3927

CRL OP.5783/2021

Date :24/03/2021

MN-24/03/2021



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