

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19320 of 2020

IBRAHIM JAVEED

[PETITIONER / ACCUSED]

Vs

STATE REP BY, [RESPONDENT]
INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
CCIW-CID (ECONOMIC OFFENCES WING) FIRST FLOOR,
BLOCK-11, GARMENT COMPLEX, SIDCO OLD
CORPORATE OFFICE BUILDING, THIRUVIKA INDUSTRIAL ESTATE,
GUINDY, CHENNAI - 600 032.

For Petitioner : M/S.A.PRAVEEN ALEXANDER Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest in connection with the case in Crime No.1 of 2020 on the file of the respondent police for the alleged offences punishable under Sections 408, 409, 468, 471, 477(A), 420, 120(B) r/w 34 of IPC, is before this court seeking anticipatory bail.

2. There are totally 21 accused and the petitioner has been arrayed as A5. He was working as Deputy Director of THAICO bank at the time of alleged occurrence. The case of the prosecution is that the society sanctioned loan to various persons for the purchase of auto-rickshaw but, few of them had failed to repay the loan. The allegation against the petitioner is that he seized the autos, which the members defaulted in repayment of the loan amount and re-allotted those autos to others without verification and has also sold the autos seized and therefore caused monetary loss to the Co-operative Society. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was in service of THAICO Bank from 01.08.1983 to 31.03.2017 and served as Deputy Director during the period from

September 2012 to March 2015. He further submitted that he did not commit any offence as alleged by the prosecution. Infact during his tenure as Deputy Director incharge during 2014, he ordered for inspection and enquiry was conducted and completed and a report was sent. The learned counsel further submitted that the co-accused in this case has been granted bail in CrI.O.P.No.19933 of 2020 on 18.02.2021.

4. The learned Additional Public Prosecutor would strongly oppose the granting of anticipatory bail. He would, however, submit that the co-accused have been granted bail.

5. Considering the fact that the petitioner was working as Deputy Director in THAICO Bank and there is no allegation of misappropriation and also considering all the other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 XI Metropolitan Magistrate, Saidapet, Chennai, on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall make himself available for interrogation as and when required by the police.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

16/04/2021

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 XI METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
CCIW-CID (ECONOMIC OFFENCES WING) FIRST FLOOR,
BLOCK-11, GARMENT COMPLEX, SIDCO OLD CORPORATE
OFFICE BUILDING, THIRUVIKA INDUSTRIAL ESTATE,
GUINDY, CHENNAI - 600 032.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.PRAVEEN ALEXANDER Advocate on payment of necessary charges

WEB COPY
CRL OP.19320/2020
Date :16/04/2021

RVR 11/05/2021