IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.19885 of 2020

R.Elanchezhiyan ... Petitioner

Vs.

The State
represented by Inspector of Police
District Crime Branch, Nagapattinam
(Crime No.02 of 2020) ...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.02 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.K.Sampath Kumar

For Intervenor : Mr.G.Vinoth Kumar

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408, 409, 465, 467, 468, 471, 477-A & 120 B IPC, in Crime No.02 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz.,Amalanath, Zonal Manager, State Bank of India, Nagapattinam is that the accused, who were working as Branch Manager and cashier in charge of Thirukuvalai Branch, State Bank of India, in collusion with few unknown persons have conspired and fabricated the documents, committed irregularities and illegally cheated the bank to the tune of Rs.2,55,73,392.60 crores. The further allegation is that they have manipulated the documents and disbursed loans to the fictitious persons. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that he is only a cashier in-charge and the entire transactions were done only by the Branch Manager of the Bank and unnecessarily the petitioner has made a scapegoat in the transactions. He would submit that A1 / Branch Manager viz. V.Karthikeyan had sent two letters, wherein he had agreed and confessed to the commission of the offence and he had also sent a letter to the Regional Manager of the Bank dated 09.02.2020, accepting his guilt and that the petitioner was only a Sub- Staff and not aware of the case and he had admitted that he is only responsible for the above mentioned lapses and irregularities and now the petitioner has been unnecessarily roped in. He would submit that the allegation against the petitioner is that he had given loans worth about Rs.42,72,558/- to his relatives. He would further submit that without prejudice to his contentions, the petitioner is prepared to deposit original title deeds of immovable property worth Rs.50 Lakhs to the credit of Crime No.02 of 2020.

4.The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner along with the Branch Manager of the State Bank of India, Thirukuvalai Branch and yet another cashier working at Thirukuvalai Branch had fabricated the documents and by falsification of accounts, sanctioned loans to the several persons illegally and had caused loss to the Bank. By this illegal activity, they have misappropriated amount to the tune of Rs.42,72,558/-. He would further submit that the defacto complainant is the Public Bank and investigation is going on and A1 in this case, has been arrested very recently i.e. on 20.01.2021 and he had confessed that the petitioner has also colluded with him and they have conspired and committed illegal activities and caused loss to the Bank to the tune of Rs.2,55,73,392.60 crores. He would submit that the investigation is in initial stage and the custodial interrogation of the petitioner is very much required for the purpose of interrogation.

5.Mr.G.Vinoth, learned counsel appearing for the defacto complainant Bank would oppose stating that the petitioner was the cashier in-charge of the Branch and he along with the Branch Manager and another cashier of State Bank of India, Thirukuvalai Branch, had committed criminal misappropriation by falsification of account and fabrication and forgery of records,. By the criminal acts the petitioner along with other accused had transferred amounts to the tune of Rs.42,72,558/- to the accounts of his relatives and the amount has been sent to the accounts of Ravichandran (brother in law), Mythili (sister in law), Vijyalakshmi (mother in law), Praveen Kumar (son in law). Further, apart from the relatives, the petitioner has also deposited amounts in the account of one Gnanaprakasam, Carpenter, working in his house. He would further submit that this is the 6th anticipatory bail application and there is no change of circumstances.

6.Heard the learned counsel appearing for the petitioner, the learned counsel for the intervenor and the learned Additional Public Prosecutor. Perused the materials placed on record.

7.Taking into consideration of the submissions of the learned counsels and taking into consideration the magnitude of the offence that the petitioner being the officer of the Bank himself has committed the grave acts of misfeasance and that it is submitted by the respondent that the custodial interrogation is necessary, this Court is not inclined to grant anticipatory bail to the petitioner.

8.This Criminal Original Petition stands dismissed accordingly.

-sd/-
21/01/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM DIST

+2 CC to M/S.K.SAMPATH KUMAR Advocate on payment of necessary charges Sr.681

CRL OP.19885/2020

Date :21/01/2021

RVR 29/01/2021