IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22025 of 2021

1.Miraclin Dories
2.Thangaraj ...Petitioners

Vs.

The State rep by the
Inspector of Police,
Bank Fraud Investigation,
Team-XI,Central Crime Branch,
Vepery, Chennai-07
CCB-1, Crime No.138 of 2021 ...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending in CCB-1 Crime No.138 of 2021 on the file of the Inspector of Police, Bank Fraud Investigation, Team XI, Central Crime Branch, Chennai.

For petitioners : Mr.D.N.Dhurgasha

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 27.09.2021 for the offences under Sections 120-B IPC r/w 420, 465, 467 and 471 IPC, in Crime No.138 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that the petitioners are husband and wife. They colluded with other accused and cheated the Bank by producing bogus IT returns and obtained bank loan to the tune of Rs.49 lakhs on 30.10.2018 by giving escalated value of the property purchased from one Govindharaj and defaulted in repaying the same. Thereafter, while proceeding under SARFAESI Act, it came to light that the property value is much lesser than the loan advanced. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He would further submit that A3 and A4 have been granted bail by the lower Court and the petitioners have been been suffering incarceration for more than 54 days from 27.09.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that the petitioners are arrayed as A1 and A2 and they colluded with other accused and cheated the Bank by producing fabricated IT returns and during the proceedings under SARFAESI Act, it came to light that the property value is much lesser than the loan advanced and that they accused have produced fabricated IT returns.

5. It is seen that the alleged loan has been taken in the year 2018 and the co-accused have been granted bail by the lower Court and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 XV Metropolitan Magistrate, George Town, Chennai, and on further conditions that:

(a)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;

(b) the petitioners shall report before the respondent police every Saturday at 10.30 a.m. until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

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

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

-sd/-
22/11/2021

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 XV METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
BANK FRAUD INVESTIGATION, TEAM-XI,
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI-07.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

+2 CC to D.N.DHURGASHA Advocate on payment of necessary charges
SR.No.13130

CRL OP.22025/2021

Date :22/11/2021

APN 22/11/2021