



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.24442 of 2021

V.Narayanan

...Petitioner

Vs.

1. State: Represented by
The Inspector of Police
G-3, Kilpauk Police Station
Chennai City
Crime No.422 of 2021

Now Transferred and pending on the file of

2. Inspector of Police
Central Crime Branch (Special Modus)
Vepery, Chennai

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.422 of 2021 on the file of the respondent pending investigation.

For Petitioner : Mr.R.John Sathyan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 23.09.2021 for the offences under Sections 419, 465, 467, 468, 471, 120-B & 420 r/w 511 of IPC, in Crime No.422 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.09.2021, the defacto complainant who is the Branch Manager of Punjab National Bank, Purasaivakkam Branch, received a cheque bearing No.451641 for a sum of Rs.9,99,91,000/- and on suspicious verified with the account holder during which, it was found that the alleged cheque was originally issued in favour of one Sachin Sen for an amount of Rs.8,737/- dated 05.10.2019. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner/A9 is an innocent and he has been falsely implicated in this case. The petitioner was employed in an Insurance Company at Dubai for more than 22 years and that his family is running a Typewriting Institute in the locality for about 75 years and the petitioner is no way connected with the alleged offence. He would submit that this is the second application for bail and the earlier application was dismissed by this Court in CrI.O.P.No.20583 of 2021 vide order dated 16.11.2021 and that the petitioner has been suffering incarceration for more than 85 days from 23.09.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) would raise objection stating that all the accused attempted to encash more than Rs.9 Crore by using fabricated cheque and that the petitioner is arrayed as A9. He would further submit that still A1 and A11 to A16 are absconding and a gang of persons are involved in this case.

5. By way of reply, the learned Counsel for the petitioner would submit that on the date of occurrence, the petitioner was standing behind the bank as one Senthil who wanted to do business in the insurance sector had wanted to avail the services of the petitioner herein whereas, the petitioner has been falsely implicated in this case. He would further submit that co-accused /A6 has been granted bail by this Court and would pray for grant of bail to the petitioner.

6. At this juncture, the learned Government Advocate (CrI. Side) admits that the petitioner's family is running a Typewriting Institute in the locality and co-accused has been released on bail and that the investigation is almost completed.

7. Considering the fact that the co-accused has been released on bail and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 II Metropolitan Magistrate, Egmore, 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 petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m., until further orders.

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



(d) the petitioner 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 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;

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

-sd/-

17/12/2021

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 II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
G-3, KILPAUK POLICE STATION,
CHENNAI CITY.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH (SPECIAL MODUS),
VEPERY, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges SR.NO.14979

CRL OP.24442/2021

Date :17/12/2021