IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

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

Crl.O.P.No. 23280 of 2021

Desingu @ David ... Petitioner

Vs.

State Represented by
Inspector of Police,
Bank Fraud Investigation Wing,
Central Crime Branch (Team-12)
Vepery, Chennai
(Crime No.187 of 2020) ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail in Crime No.187 of 2020 pending on the file of the respondent police

For Petitioner : Mr.S.Shankar

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

ORDER

The petitioner who is arrested and remanded to judicial custody on 28.10.2021 for the offences under Sections 120-B, 420, 465, 467, 468 and 471 of IPC, in Crime No.187 of 2020, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner and others conspired together and created number of bogus documents to tile, bogus building approval plans and so many bogus records. Based on the same, the they have created invalid charge over the property and obtained loans from various banks and the misappropriated amount from the banks running to crores. It is further alleged that the petitioner had impersonated one David , S/o.Lourdsamy and created settlement deed in favour of Sagayamary as if she is his wife and he also created death certificate and legal certificate for the so called father Lourdsamy and produced before the Registering Authority. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioner is a Chennai Corporation Employee and working as Sweeper for the past 10 years, In the year 2017, one person namely Devaraj approached the petitioner and stated that other accused persons making arrangement to obtain home loan from the complainant's bank and they needs Government Servant as one the surety and requests the petitioner to execute the documents as a surety for the loan. Believing the same, the petitioner signed some papers without perusing any of them, since he is an illiterate. Further the petitioner had not any knowledge about the intention of the other accused persons and he never created any of the so called fake document. Further, the petitioner is not a named accused. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for more than 40 days from 28.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner has got Rs.25,000/- and created impersonated settlement deed in favor of A.10. He further submits that A1 to A4, A7 to A10 involved in this case were absconded and A5,A6 and A11 were arrested. He further submits that investigation is under progress and also searched the certificate copies involved in the case. Hence, he vehemently opposed for granting bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner, co-accused also released on bail and also considering the fact that since, the petitioner being a Chennai corporation employee, there is no chance for absconding, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 CCB and CBCID Metropolitan Magistrate Court, Egmore and on further condition 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 daily at 5.30 p.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/-
08/12/2021

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 CCB & CBCID
METROPOLITAN MAGISTRATE, EGMORE.

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

3 THE INSPECTOR OF POLICE,
BANK FRAUD INVESTIGATION WING,
CENTRAL CRIME BRANCH
(TEAM-12), VEPERY, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.SHANKAR Advocate on payment of necessary charges
SR.NO.14301

CRL OP.23280/2021

Date :08/12/2021

JPA 08/12/2021