IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

Crl.O.P.No. 24895 of 2021

Mohammed Iqbal ...Petitioner

Vs.

STATE: Represented by
The Inspector of Police,
Central Crime Branch-I,
Bank Fraud Investigation,
Team-XII,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.140 of 2021 pending on the file of the respondent Police.

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 25.11.2021 for the offences under Sections 120-B, 409, 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code, in Crime No.140 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused has created a non-existent company in the name of IV Support Technologies India Pvt. Ltd. and subsequently, created fake salary accounts and forged documents and obtained 44 credit cards and personal loans from HSBC bank to the tune of Rs.1,51,77,752. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner/A4 has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 25 days from 25.11.2021 and he is ready to abide any stringent condition as may be directed by this court. . Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner along with our other accused had created fake salary accounts and based on which, created fabricated KYC particulars and obtained 44 credit cards and 15 personal loans to the tune of Rs.1,51,77,752/- and thereby, cheated the Bank but admits that the investigation is almost completed. He would further submit that already there is a compliant against the petitioner filed by one Usha Shetty and Thanish Rahman regarding misuse of their KYC documents.

5. At this juncture, the learned Counsel for the petitioner would submit that the said complaint was already settled before Thanjavur District Police, Ref. No. EUU2065768 dated 29.06.2020.

6. Perusal of record shows that the petitioner is a individual persona and he has been arrayed as A4 and the other accused are Directors of IV Support Technologies Pvt. Ltd. Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

7. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakh Only) to the credit of Crime No.140 of 2021 and on such deposit, 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 Metropolitan Magistrate, Special Court for CCB/CBCID Cases Egmore, 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. The petitioner is also directed to co-operate for the investigation.

(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/-
20/12/2021

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 METROPOLITAN MAGISTRATE,
SPECIAL COURT FOR CCB/CBCID CASES,
EGMORE, CHENNAI

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

3 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH -I,
BANK FRAUD INVESTIGATION,
TEAM XII, VEPERY,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL, CHENNAI

CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges SR.15158

CRL OP.24895/2021

Date :20/12/2021

RVR 21/12/2021