



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.25244 of 2021

KALEESWARI

[PETITIONER / ACCUSED]

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
BANK FRAUD INVESTIGATION WING TEAM - XI,
CHENNAI.
(CRIME NO.190 OF 2020)

[RESPONDENT]

For Petitioner : M/S.R.C.PAUL KANAKARAJ Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.11.2021 for the offences under Sections 120(B), 420, 465, 467, 468, 471 of IPC, in Crime No.190 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Branch Manager of Catholic Syrian Bank. One Harichandran/the husband of the petitioner had availed cash credit of Rs.8 crores by giving fully paid stock and book debts as primary security by way of hypothecation and two properties were provided as collateral security and in support of the cash credit limit, he had submitted the income tax copies for the year 2011 to 2014. Further, at the time of field visit, he had intentionally misrepresented and showed other property belonging to some other person instead of their property located at Sadayankuppam Village and that he had transferred the said cash credit amount of Rs.8 Crores to the account of Nandhini Traders, Ezhil



Agencies, Kaleeshwari Transport and thereafter, it was withdrawn by the accused persons. The account of the petitioner became NPA (Non performing Asset) on 31.12.2015. Immediately, the defacto complainant's bank filed a suit before DRT Chennai on 02.05.2016 for recovery which was decreed on 27.03.2018. Later on verification, it was found that the income tax return papers submitted for the year 2012-2014 are fake. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the business done by her husband and she has been falsely implicated in this case. He would further submit that the husband of the petitioner who is the proprietor of the business concerned, availed the loan and her property was given only as collateral security. Apart from that, she was not aware of any of the factual position. He would submit that the petitioner has been suffering incarceration for 35 days from 18.11.2021. 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 her husband by giving forged statements for the year 2012 to 2014 and also showing others property, has obtained a sum of Rs.8 crores as loan from the bank and thereby, they have breached the trust. Hence, the Bank has lodged the complaint and the investigation has not been completed and if the petitioner is released on bail, there is every possibility of the petitioner tampering the evidence.

5. On seeing the nature of allegations levelled against the petitioner and the investigation has not been completed and if the petitioner is released on bail, there is every possibility of the petitioner tampering the evidence. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
22/12/2021

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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
BANK FRAUD INVESTIGATION WING TEAM - XI,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
PUZHAI, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.C.PAUL KANAKARAJ Advocate on payment of necessary
charges

CRL OP.25244/2021

Date :22/12/2021

JPA 05/01/2022