IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Crl.O.P.No.25280 of 2021

ABDUL RAHEEM .. Petitioner

Vs.

State:
The Inspector of Police
Team-XII, Bank Fraud Team
CCB Police
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 dated 16.07.2021 on the file of the Inspector of Police, Bank Fraud Team, CCB Police, Chennai.

For Petitioner : Mr.G.Mohana Krishnan

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

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ORDER

The petitioner who was arrested and remanded to judicial custody on 09.10.2021 for the offences under Sections 120(B), 409, 420, 465, 467, 468 and 471 of 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 defacto complainant is the Lyson Legal Manager of HSBC Bank. The petitioner along with A1 who was a bank employee, obtained credit cards and personal loan from the complainant's bank by producing fake KYC documents and fake company and employment details. Hence, the complaint.

3.The learned counsel for the petitioner/A6 would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case since, he is the brother of A2. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.22220 of 2021 by order dated 25.11.2021 and one of the co-accused has been granted bail and that the petitioner has been suffering incarceration for more than 75 days from 09.10.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that there are totally 8 accused involved in this case and the amount involved is more than One Crore. In so far as the petitioner is concerned, he has borrowed a sum of Rs.2 lakhs by producing fake documents and A2 is still absconding.

5. Considering the facts and circumstances of the case and the fact that one of the co-accused has been granted 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.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs 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 CCB Metropolitan Magistrate, 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 thrice a week i.e. on every Monday, Wednesday and Saturday 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/-
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 CCB METROPOLITAN MAGISTRATE,
EGMORE.

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

3 THE INSPECTOR OF POLICE,
TEAM-XII BANK FRAUD TEAM,
CCB POLICE, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. G.MOHANA KRISHNAN Advocate on payment of necessary charges SR.NO.15310

CRL OP.25280/2021

Date :22/12/2021

CSK 22/12/2021