



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7626 of 2021

Sabarinathan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Thillai Nagar Police Station,
Trichy City.
Crime No.206/2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.206 of 2021 in the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 417, 420, 406, 468 and 471 IPC in Crime No.206 of 2021 on the file of the respondent police, seeks anticipatory bail.

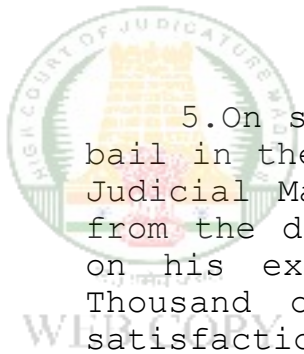
2.The case of the prosecution is that the defacto complainant is having a Saving Bank Account bearing No.50160014434381 in Bandhan Bank and a cheque book containing 20 cheque leaves commencing from 000001 to 000020 was issued to her. So far, the defacto complainant used only two cheque leaves bearing Nos.000001 and 000002. She was having a sum of Rs.19,95,160/- in the credit of her Saving Bank Account and she was investing her business income to this Bank account. Her family members are also having account in the said Bandhan Bank, which is a private bank. Because of old age, the defacto complainant was not able to go to the Bank frequently.



Therefore, the staff from Bandhan Bank came to her resident and offered their services. The Bank officials, namely G.Surendran, Balaji and Krishna Prasad who is the Manager in that Bank and the defacto complainant and she utilized their services for banking transactions. Due to some reason, the defacto complainant wanted to close her bank account to some other bank and hence, she informed this to the Bank Manager Krishna Prasad in the month of August 2019. For that the said G.Surendren and Balaji took 18 cheques from her for making arrangements to get her account transferred. She has not signed in the cheque leaves at the time of handing over the cheque book containing 18 unfilled cheques. Subsequently, the Bank Manager Anuradha convinced the defacto complainant that they would pay higher interest and requested her to continue the account with Bandhan Bank and the defacto complainant has also accepted and requested her bank pass book to be returned. When the defacto complainant wanted to make entry in the pass book, she was informed that the machine was not working. Having suspicious over this, she sent her son to enquire about her account. On 07.01.2021 when her son has enquired the issue, it was informed that a sum of Rs.16,00,000/- was transferred to R.Paramasivam by using cheque leaf bearing Cheque No.000005 on 06.10.2020 by forging the defacto complainant's signature. Hence, the defacto complainant has complained this to the said Anuradha and she informed the defacto complainant that whenever a cheque sent for clearance for more than a sum of Rs.3,00,000/-, she would get message from the Head Office, only then permission will be given for clearance, but, she has not received any such message from her Head Office it shows that without following the formal procedure and with an intention to cheat, the Bank officials namely Anuradha, Balaji and other staff have conspired together and cheated her to the tune of Rs.16,00,000/-. Therefore, this case came to be registered.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner is prepared to deposit Rs.5,00,000/- to the credit of crime No.206 of 2021 to show his bonofide and he is prepared to co-operate with the investigation.

4.Though this case was registered on 08.03.2021, the respondent police has not taken any effective steps to arrest this petitioner and other accused to bring the investigation to a logical conclusion and proceed with the trail. In the said circumstances, this Court is of the considered view that the petitioner may be granted anticipatory bail on depositing Rs.5,00,000/- to the credit of Crime No.206 of 2021 before the learned Judicial Magistrate No.IV, Trichy, so that the investigation in this case would be completed and trial be proceeded. In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall deposit Rs.5,00,000/- to the credit of crime No.206 of 2021 before the learned Judicial Magistrate No.IV, Trichy.



5. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.IV, Trichy, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, 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 said Magistrate and on further condition that:

[a] the petitioner and 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 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]**;

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/06/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.

<https://hcservices.ecourts.gov.in/hcservices/>



2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7626 of 2021

Date :15/06/2021

GNS

SRS/JC/SAR-III/21.06.2021/4P/5C