



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13926 of 2021

P.Veeramani,

... Petitioner/Accused No.2

Vs

State Rep by,
The Inspector of Police,
District Crime Branch.
Kanyakumari District..
(Crime No.4/2019)

... Respondent/Complainant

For Petitioner : MR.R.John Sathyan,Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For the Anticipatory bail in Crime No.4 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120-B and 420 of IPC, in Crime No.4 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the first accused namely John Leon Singh wanted to start a dealership business to sell M/s.Bajaj Motorcycles and requested the assistance of the defacto complainant to offer his properties as collateral to avail credit facilities from M/s.Tamil Nadu Mercantile Bank Limited. The defacto complainant also gave his two properties as collateral which are worth about Rs.50,00,000/- and he signed as a guarantor in the document submitted to the Bank. In the year 2018, the 1st accused colluded with the petitioner and created additional mortgage and raised additional loan to the extent of Rs.50,00,000/-, when the defacto complainant was in abroad. Hence the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that both the credit facilities availed by the first accused had become Non-Performing Assets on 31.10.2018 and demand notice had been issued against the first accused and the defacto complainant on 18.12.2018. The Bank has also filed an original application before the Debt Recovery Tribunal against the first accused as well as the defacto complainant to recover the loan outstanding. To delay and protract the proceedings, the present case has been lodged by falsely implicating the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner is the Manager of Tamil Nadu Mercantile Bank and he returned the document to the first accused for obtaining a signature of the guarantor for depositing all the title deeds and in that document, a forged signature was made by the accused No.1, when the defacto complainant was not available at the relevant point of time. The defacto complainant gave his properties as security to the loan amount. The loan was obtained by Rs.50,00,000/- through adhoc cash. Thereafter, the first accused has availed the additional loan by forging the signature of the guarantor. Hence, the Department initiated proceedings against this petitioner and also imposed penalty.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and also the fact that the petitioner is only the Manager of the Bank, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kuzhithurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police as and when required.



[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

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[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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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.II,
KUZHITHURAI.
- 2 DO THROUGH:THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1 CC to M/s.R.JOHN SATHIYAN, Advocate(SR-6719[I] dated 30/09/2021)
ORDER
IN
CRL OP(MD) No.13926 of 2021
Date :29/09/2021

PKP/JM/SAR-1/06.10.2021/3P/6C

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