IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.837 of 2022

Kaleeswari ..Petitioner

Vs.

State by: The Inspector of Police
Central Crime Branch
Bank Fraud Investigation Wing Team-XI
Chennai.
(Crime No.190 of 2020) ...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.190 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

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 18.11.2021 for the offences under Sections 120(B), 420, 465, 467, 468, 471 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Ezhil Agencies, Kaleeshwari Transport and thereafter, it was withdrawn by the accused persons.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 from 18.11.2021. However, on instructions, on her own volition is ready and willing to deposit an amount of Rs.50,00,000/- to the credit of Crime Number. 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.

5. Considering the above facts and circumstances of the case and that the amount involved is more than Rs.8 Crores and also considering the undertaking of the petitioner that she is ready to deposit an amount of Rs.50,00,000/- to the credit of Crime Number and that the incarceration suffered by the petitioner all these days, this Court is inclined to grant bail to he petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall deposit a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the credit of Crime No.190 of 2020 within two weeks and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, within 15 days from the date of commencement of the Court’s normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
12/01/2022

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 & CBCID METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
BANK FRAUD INVESTIGATION WING, TEAM-IV,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.No.602

CRL OP.837/2022

Date :12/01/2022

CSK 19/01/2022