



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

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

Cr1.O.P.No.362 of 2022

WEB COPY

K. Jahir Hussain @ Jack

.. Petitioner

Vs.

The State Rep by
The Inspector of Police,
Central Crime Branch Police Station (Team - I),
Egmore, Chennai.
(Crime No.140 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with Crime No.140 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.PrathapKumar

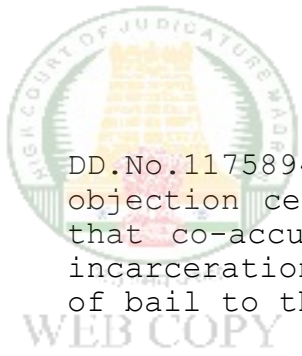
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.12.2021 for the offences under Sections 120(B), 409, 420, 467, 468, 471 and r/w 34 of IPC in Crime No.140 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused started a fake company in the name of IV Support Technologies India Ltd, and appointed some person as HR, Director in the year August 2019 to March 2020 and availed 15 personal loans and 55 credit cards in the employee names of the above mentioned company submitting the fake document such as Salary slips and offer letter and swindled the amount a sum of Rs. 1,51,77,752/- from the bank. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that petitioner only borrowed a sum of Rs. 8,00,000/- from the bank. On 13.12.2022 the loan amount a sum of Rs.6,71,000/- was repaid to the credit of bank account by way of Demand Draft vide



DD.No.117589426, to that effect, the concerned bank issued the Non objection certificate in favour of the petitioner. Further he stated that co-accused were released on bail and he has been suffering incarceration for 30 days from 08.12.2021 Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that Rs.1,51,77,752/- was involved in this case and he further submits that the petitioner herein borrowed a sum of Rs.8,00,000/- from the bank.

5. On perusal of entire records reveals that the petitioner had borrowed a sum of Rs.8,00,000/- from the bank and he had repaid a sum of Rs. 6,71,000/- to the credit of concerned bank by way of demand draft dated 18/12/2021 which was enclosed in page number 17 of the typed set of papers, to that effect such bank issued a No objection certificate in favor of the petitioner which was enclosed in page No.16 of the typed set of papers.

6.Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that the petitioner settled the amount to the concerned bank and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with conditions.

[a] 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 execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Court of 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall appear before the respondent Police on Tuesday and Saturday at 10.30 a.m., until further orders;

[e]the petitioner shall not tamper with evidence or witness either during investigation or trial;



[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

10/01/2022

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 COURT OF CCB & CBCID
METROPOLITAN MAGISTRATE, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH POLICE STATION (TEAM-I),
EGMORE, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT, CENTRAL PRISON,
PUZHAI, CHENNAI

CC to M/S.R.PRATHAPKUMAR Advocate on payment of necessary charges Sr.473

CRL OP.362/2022

Date :10/01/2022

RVR 11/01/2022