



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.1081 of 2022

T.Madhan

...Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Central Crime Bureau,
Salem District.
Crime No.12 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest or his appearance before any Court in connection with the case in Crime No.12 of 2021 which is pending on the file of the respondent Police .

For Petitioner : Mr.T.Shanmugam

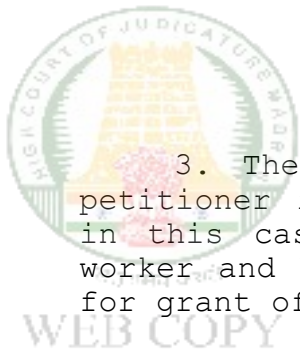
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

For Intervenor : Mr.Balasubramani

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 409, 420, 120B, 109, 470, 471, 465 of IPC and 66C and 66D of the Information Technology Act, 2000, in Crime No.12 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as Senior Branch Sales Manager of M/s.Jana Small Finance Bank Limited, Salem. Further, the petitioner along with other accused persons had closed the various fixed deposits of their customers before the maturity date and converted the amount to the personal use of the petitioner along with other accused person. Further, the petitioner along with other accused persons had cheated the defacto complainant's bank. 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 the petitioner is a hard worker and he is in no way connected in this crime. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the Intervenor submits that the five customers have transferred nearly about 1 Crore 82 lakhs, out of which 80 Lakhs was transferred to the petitioner's account.

5. The learned Additional Public Prosecutor submitted that the petitioner along with other accused persons had cheated the defacto complainant's bank more than Rs.1 Crore. He further submitted that the allegation levelled against the petitioner and the investigation is at initial stage. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate No.5, Salem**, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.30,00,000/- (Rupees Thirty Lakhs only)** to the Crime No.12 of 2021 on the file of the learned Judicial Magistrate No.I, Ponneri, Thiruvallur, within a period of six weeks after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below and the defacto complainant/bank is permitted to withdraw the said amount an undertaking affidavit;

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



[c] the petitioner shall report before the respondent police every Monday and Friday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

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

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

[f] 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 has been imposed and the petitioner is 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;

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

-sd/-

27/01/2022

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 JUDICIAL MAGISTRATE,
NO.5, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.1, PONNERI.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BUREAU,
SALEM DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.SHANMUGAM Advocate on payment of necessary
charges SR.NO.1324

+1 CC to M/S.V.BALASUBRAMANI, Advocate on payment of necessary
charges SR.NO.1430

CRL OP.1081/2022

Date :27/01/2022

TA-01/02/2022