



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3634 of 2022

Ramesh

...Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police
Central Crime Branch-I,
Chennai.
(Crime No.179 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.179 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Venugopal

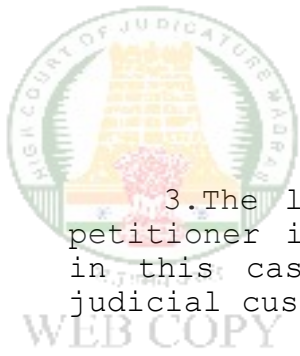
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.12.2021 for the offences under Sections 472, 420, 465, 120B, 468, 471 and 467 of I.P.C in Crime No.179 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one, Kiruthika approached one Swaminathan Sundaram, Senior Manager, Punjab National Bank, Abiramapuram with her husband, who acted as Co-Applicant, in the month of October 2020 availed housing loan by submitting documents such as property documents, legal heir certificate, etc., for purchasing property with built house at Abiramapuram from one Kumar, Power of Attorney of the said property. The loan amount of Rs.2,20,00,000/- was sanctioned on 14.10.2020 to the loan account of the said Kiruthika and the loan amount was disbursed to the said Power Agent Kumar. Later, they came to know that the accused have submitted fabricated documents and availed the loan. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 04.12.2021 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits some of the accused secured in this case are all enlarged on bail. Accordingly, she opposed this petition.

5. The submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case as against this petitioner for the offence punishable under Sections 472, 420, 465, 120B, 468, 471 and 467 of I.P.C. The petitioner is arrayed as A-10. According to the learned Additional Public Prosecutor, the specific overt act against this petitioner in the alleged occurrence is that after receipt of Rs.1,00,000/-, he prepared a bogus certificate and the same has been used for availing loan from the bank. Now according to her, a portion of investigation has been completed. Further the document alleged to be forged are recovered. Therefore in respect to the present petitioner, further custody is not necessary. Moreover, the petitioner is in judicial custody from 04.12.2021 and some of the accused are already released on bail.

7. Therefore, taking note of all the above said aspects into consideration, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the petitioner is ordered to be released on bail to 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 CCB & CBCID Metropolitan Magistrate, Egmore, Chennai - 8.

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

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



(e) 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];

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

15/02/2022

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-8

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

3 SUB INSPECTOR OF POLICE
CENTRAL CRIME BRANCH -1, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S.J.VENUGOPAL Advocate on payment of necessary charges

CRL OP.3634/2022

Date :15/02/2022

RVR 16/02/2022