IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5349 & 5358 of 2022

I.PREMKUMAR [PETITIONER / ACCUSED IN CRL.O.P.No.5349/2022]

V.USHA [PETITIONER / ACCUSED IN CRL.O.P.No.5358/2022]

Vs

THE STATE OF TAMIL NADU [RESPONDENT IN BOTH THE PETITIONS]
THE INSPECTOR OF POLICE,
CCB, VILAVANKURUCHI,
COIMBATORE CITY, TAMIL NADU
(CRIME NO.01/2022) U/S 120B, 409, 420, 467, 468
AND 471 R/W 109 OF IPC)

For Petitioner : M/S C.JOHNSON Advocate [IN BOTH THE PETITIONS]

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner in both petitions, who apprehend arrest at the hands of the respondent Police for the alleged offences under Sections 120B, 409, 420 @ 467, 468 and 471 r/w 109 of IPC, in Crime No.01 of 2022, on the file of the respondent police, seek anticipatory bail.

2. These anticipatory bail petitions are filed by the Branch Manager and the Assistant Manager of the Indian Bank, Coimbatore. The petitioners are arrayed as 11th and 12th accused in Crime No.01 of 2022 registered by the City Crime Branch Police, Coimbatore, regarding misappropriation of bank fund, abusing the position by receiving furious jewels and disbursing loan to the tune of Rs.135 lakhs. According to the prosecution, the petitioners in connivance with the

Panel Appraisers of the bank had received furious jewels from three persons and had advanced loan without adequate security and without verifying the end use for which the loan availed.

3. The learned counsel appearing for the petitioners would submit that the purity of the jewel cannot be tested by the Manager and it is the duty of the Panel Appraisers who are appointed by the Zonal Office and therefore if there is any defect in the jewels purity, the Branch Manager cannot be held responsible. He would further state that the end use of the loan is not the responsibility of the Manager and he cannot verify the end use for each and every loan advanced by the bank. Thirdly, the learned counsel appearing for the petitioners would submit that the petitioner in Crl.O.P.No.5349 of 2022, in fact informed to the Zonal Office on the fraud committed by the three account holders i.e., Regi, Hemamalini and Mathankumar.

4. To substantiate his submission, the learned counsel appearing for the petitioners also produced a letter of the Branch Manager dated 19.10.2021, addressed to the Zonal Manager which reveals that the loan advanced to the above named three persons were against the furious jewels and 15 accounts opened by these persons in the name of their friends and relatives are dubious. He has also intimated the Zonal Office that when he contacted the said Hemamalini and Mathankumar, they had informed that they will close all the jewel accounts immediately.

5. The learned counsel appearing for the petitioners by circulating this letter attempted to impress upon this Court that the petitioners are bonafied and honest officer of the bank, who were put up more than 30 years of service and at the back end of the service they have been humiliated.

6. However, this Court on perusal of this letter satisfied that after knowingly they advanced loans to dubious persons. These petitioners played role of red herring had suit up a letter stating that those three dubious persons are very genuine persons and they have been regularly operating their accounts satisfactorily for years together and also made an attempt to delay in taking action against them by misleading higher officials that when he contacted the said Hemamalini and Mathankumar, they informed that they will close all the jewel accounts immediately.

7. From the sole letter, this Court finds that these three persons have opened their accounts only on 04.07.2021 and they were arrested by the Kerala Police for the financial offences. When these dubious customers happened to be the customers of the Indian Bank hardly one year, the petitioner in Crl.O.P.No.5349 of 2022, in written, informed the higher officials giving a clear check to the dubious account holders as if they are very regular for all these years.

8. That apart, the counter filed by the learned Government Advocate (Crl.Side), indicates the following facts:-

(i) In all the above said 15 pockets with a total of 309 items bangles alone constitute 306 items and of the remaining three items, one is bracelet and two are chains. Of the above 15 accounts, 14 accounts have been sanctioned jointly by these petitioners viz., I.Premkumar and Usha. One Account in the name of Regi/1st Accused was sanctioned by one Mahendran, Assistant Manager and I.Premkumar.

(ii) In all the above 15 accounts, single borrower limits have been exceeded beyond MDL powers. The MDL powers for scale 3 Branch for single borrower limit is Rs.35.00 Lakhs for Branch Manager and Rs.25.00 Lakhs for Assistant Branch Manager as per Power Booklet.

(iii) All the loan amount have been sanctioned under agriculture activity and for all the 15 accounts documentary proof for land holding has been obtained, which are found to be fake. In all the above 15 accounts scale of finance has not been adhered to and also end use has not been ensured by these petitioners.

9. Considering the gravity of the crime and stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioner in both petitions and the Criminal Original Petitions are dismissed as devoid of merits.

-sd/-
11/03/2022

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 INSPECTOR OF POLICE,
CCB, VILAVANKURUCHI,
COIMBATORE CITY, TAMIL NADU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S C.JOHNSON Advocate on payment of necessary charges

CRL OP.5349 & 5358/2022
Date :11/03/2022

TA-22/03/2022