IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 12.04.2022	Pronounced on : 21.04.2022

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.8437 of 2022

Nagaraj(NagarajSozhan) ... Petitioner/3rd Accused

/versus/

The State Represented by,
The Sub-Inspector of Police,
Cuddalore NT Police Station,
Cuddalore.
Ref:Cr.No.294/2022 dated 07.03.2022 ... Respondent/Complainant

Prayer:- This Criminal Original Petition is filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner/accused on bail in Crime No.294 of 2022 on the file of Sub-Inspector of Police, Cuddalore NT Police Station, Cuddalore and pass orders.

For Petitioner : Mr.A.Ramesh, Senior Counsel, for
Mr.Gopi Narayanan

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor (Crl.Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.03.2022, for the offences punishable under Section 465, 468, 471, 419 and 420 of I.P.C., in Crime No.294/2022, on the file of the respondent police, seeks bail.

2. The complaint was given by one Ms.Vasantha dated 17/02/2022 addressed to the District Legal Services Authority (DLSA), Cuddalore, disclosed that, she availed loan of Rs.30,000/- from Ujjivan Small Finance Bank Limited two years ago and she was repaying

the loan every month regularly through one Ms.Durga Devi, the leader of the Self Help Group. While so, Mr.Nagarajan, a staff of the Bank, who is responsible for loan collection informed her that Ms.Durga Devi has not remitted the instalment money into the bank, therefore, she has to pay the dues. Along with Nagarajan yet another person aged about 25 to 27 years also came and insisted her to pay the dues. On 01/07/2021, they collected Rs.1500/- and gave a signed receipt. On 14/02/2022, they came again and served a notice purported to have been issued by the Legal Services Authority (LSA), Cuddalore, for appearance before the Lok Adalat scheduled to be held on 15/02/2022. When she went to the Legal Services Authority, on 15/02/2022 and showed the summons, she was informed that, District Legal Services Authority, Cuddalore, did not issue the said summon and no Lok Adalat for Ujjivan Small Finance Bank Limited is permitted or scheduled on that date. Realising that, she has been duped by serving fake notice, she requested the Legal Services Authority, to take action against the persons who have forged the Legal Services Authority, notice to make unlawful gain.

3. On receipt of the complaint, the DLSA, Cuddalore, has addressed a letter to Ujjivan Small Finance Bank Limited to verify about the fake summon issued on their behalf for the Lok Adalat, dated 15/02/2022. The said Bank has conducted enquiry through their Vigilance Section and found that one Mr.Senthil Kumar, Collection Officer of Vadalur Branch being impressed by the success of Lok Adalat held on 04/12/2021 has fabricated the summon to collect the loan amount for a defaulter by name Ms.Vasantha. The said Senthil Kumar has confessed that this is the only case he fabricated the Lok Adalat summon and will not indulge such act.

4. The Junior Assistant of DLSA lodged the complaint enclosing the petition of Ms.Vasantha and the response of Ujjivan Small Finance Bank Limited. On receipt of the complaint, the Respondent has registered F.I.R in Crime No.294/2022 dated 07/03/2022 for offences under Section 420 of I.P.C. In the course of investigation, the Investigating Officer has come to know that the fabrication of Lok Adalat summon has been done by Nagaraj along with Senthil Kumar. The charges were altered to Section 465, 468, 471, 419 and 420 of I.P.C and Nagaraj, the petitioner herein was arrested on 24.03.2022.

5. The Learned Counsel for the petitioner pleads that, he is an innocent and not aware of the alleged fabrication of Lok Adalat summon by Senthil Kumar. The collection of due is outsourced to an independent vendor by name "Quess Corp Limited" which has employed Senthil Kumar. On coming to know about the fabrication done by Senthil Kumar, enquiry was conducted and he was terminated from service. As far as this petitioner is concerned, he cooperated with the investigation when summoned to appear before the Investigating Officer and produced all the necessary documents. However, he was

remanded to judicial custody. Hence he seeks liberty and also undertakes to comply any condition and cooperate with investigation without fail.

6. The Learned Additional Public Prosecutor for the respondent police submits that, this petitioner is the named accused in the complaint of Ms.Vasantha and investigation indicates that, he is the brain behind the crime. Investigation whether similar MOP adopted by this Bank for recovery of debt is under probe. If the petitioner is released on bail, he may screen the evidence and hamper the investigation.

7. Considering the nature of the crime and the period of incarceration, this Court finds that, after registration of the F.I.R and arrest of this petitioner, the Respondent police has not so far found any other case of fabrication by this Bank or its employees. Therefore, the custody of this petitioner is no more required for the investigation. It is suffice to direct the petitioner to report before the Investigating Officer daily and cooperate with the investigation including assistance to trace the absconding accused. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, for a like sum to the satisfaction of the Learned Judicial Magistrate-II, Cuddalore.

(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 is directed to report before the Investigating Officer daily at 10.00 a.m., for 30 days.

(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.

-sd/-
21/04/2022

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.II, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

4 THE SUB INSPECTOR OF POLICE,
CUDDALORE NT POLICE STATION,
CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
E.R. SECTION,
HIGH COURT, MADRAS.

+2 CC to M/S.GOPI NARAYANAN Advocate on payment of necessary charges SR.NO. 5934

CRL OP.8437/2022

Date :21/04/2022

RW 21/04/2022