



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

RESERVED ON	05.05.2022
PRONOUNCED ON	06.05.2022

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL ORIGINAL PETITION No.10681 of 2022

B.SENTHILKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
CUDDALORE NT POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.294/2022.

[RESPONDENT]

For Petitioner : M/S.C.D .JOHNSON Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2 who was arrested and remanded to judicial custody on 25.03.2022 for the alleged offence punishable under Section 420 IPC later altered into Sections 465, 468, 471, 419 and 420 IPC in Crime No.294 of 2022 on the file of the respondent/police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant one Deepika, Junior Assistant, District Legal Services Authority, Cuddalore is that on 15.02.2022 one Vasantha, who approached the District Legal Services Authority, Cuddalore and informed that she received summons from the District Legal Services Authority, Cuddalore to appear before the Lok Adalat, which was scheduled to be held on 15.02.2022. On enquiry, it was found that the District Legal Services Authority, Cuddalore has not issued any summons to anybody and the petitioner, who is the collection agent of the Ujjivan Small Finance Bank Limited prepared forged summons and served on the defaulter Vasantha. On the basis of the said information, the *de facto* complainant preferred the complaint against the petitioner.



3.The learned counsel for the petitioner would submit that the petitioner, who was arrayed as A2 is not involved in any offence and there is no specific overtact against the petitioner and that the co-accused/A1 was already released on bail by an order of this Court dated 21.04.2022. He would further submit that the petitioner is one of the collection agents, who is collecting the amount from the defaulters of Bank and he is nothing to do with the alleged offence. The petitioner is in custody for the past 40 days and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner prepared forged summons on behalf of the Ujjivan Small Finance Bank Limited and issued to one Vasantha for appearance before the Lok Adalat, which was scheduled to be held on 15.02.2022 at District Legal Services Authority (DLSA), Cuddalore. After investigation, it reveals that the petitioner is one of the authors of the said forged summons. She would further submit that investigation is pending and charge sheet is yet to be filed. At this stage, if the petitioner is released on bail, there is a possibility of tampering the witnesses and hampering the investigation. Hence, she vehemently objected to grant bail to the petitioner.

5. Heard the learned counsel for both sides and perused the materials available on record.

6. Admittedly, the respondent/police registered the case against the petitioner and another. The petitioner, who was arrayed as A2 was arrested and remanded to judicial custody on 25.03.2022 for the alleged offence punishable under Section 420 IPC later altered into Sections 465, 468, 471, 419 and 420 IPC. The petitioner has filed Crl.M.P.No.2733 of 2022 before the Principal Sessions Judge, Cuddalore and the same was dismissed on 29.04.2022 and hence, the petitioner is before this Court seeking bail.

7.Considering the serious nature of the offence, considering the fact that the petitioner, who is the collection agent, in order to collect the dues from the customers misused his position and issued forged summons, as if issued by the District Legal Services Authority, Cuddalore. Since the petitioner is a prime accused and there is a specific overtact against the petitioner and if the petitioner is released on bail, there is a possibility of tampering witnesses or hampering the investigation, this Court is not inclined to grant bail to the petitioner.



Accordingly, this Criminal Original Petition is dismissed.

-sd/-
06/05/2022

WEB COPY

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 PRINCIPAL SESSIONS JUDGE,
CUDDALORE.

2 THE SUB INSPECTOR OF POLICE
CUDDALORE NT POLICE STATION,
CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE
SUB JAIL, CUDDALORE.

5 THE DISTRICT LEGAL SERVICES AUTHORITY,
CUDDALORE DISTRICT.

+1 CC to M/S.C.D .JOHNSON Advocate on payment of necessary
charges SR.NO.6781

CRL OP.10681/2022

Date :06/05/2022

TA-09/05/2022