



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13946 of 2022

R.Manju

..Petitioner/A4

Vs.

The Sub Inspector of Police,
CCB, EDF-1, Team-1, Vepery,
Chennai 600 007
(CCB crime No.97 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.97 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.M.Pappiah

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

For Intervenor : Mr.C.P.R.Kamaraj

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.05.2022 for the offence punishable under Sections 468, 471, 420 r/w 120-B and 109 of IPC in crime No.97 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that A1 is the company, A2, 3 & 4 are Directors of A1-company. A1 to A4 availed loan by depositing title deed of the third accused and availed loan to the tune of Rs.2.76 crores. Originally, the property which was deposited by A3 belonged to her husband i.e. Krishnan. On his demise, his other legal heirs executed release deed in favour of A3. On the strength of the release deed, the entire property was pledged and availed loan. However, one of the legal heirs one, Palayamuthu of the said Krishnan was impersonated by A5 and executed release deed in favour of A3. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the alleged forging of settlement deed and only her husband-A2 was managing the A1-company along with A3. Further, her name was misused by A1 to A3 as a co-applicant for the alleged loan. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit the property which was deposited by A3 originally belonged to her husband i.e. Krishnan. On his demise, his other legal heirs executed release deed in favour of A3. On the strength of the release deed, the entire property was pledged and availed loan. However, one of the legal heirs was impersonated by A5 and executed release deed in favour of A3.

5. The learned counsel for the intervenor would submit that now on the complaint lodged by the said Palayamuthu before the District Registrar, release deed executed in favour of A3 was cancelled and also directed not to execute any document in pursuant to release deed executed by other legal heirs in favour of A3. Therefore, if any default committed by the borrower, there is no property to realise the loan amount borrowed by A1 to A4, since the document which was deposited under memorandum of deposit of title deeds now cancelled by the District Registrar.

6. There are totally 11 accused, in which the petitioner is arrayed as A4. A1 is the company, A2, 3 & 4 are Directors of A1-company. A1 to A4 availed loan by depositing title deed of the third accused and availed loan to the tune of Rs.2.76 crores. Originally, the property which was deposited by A3 belonged to her husband i.e. Krishnan. On his demise, his other legal heirs executed release deed in favour of A3. On the strength of the release deed, the entire property was pledged and availed loan. Subsequently, one of the legal heirs one, Palayamuthu of the said Krishnan was impersonated by A5 and executed release deed in favour of A3. On verification on the complaint lodged by the said Palayamuthu before the District Registrar, release deed executed in favour of A3 was cancelled and also directed not to execute any document in pursuant to release deed executed by other legal heirs in favour of A3. Therefore, if any default committed by the borrower, there is no property to realise the loan amount borrowed by A1 to A4, since the document which was deposited under memorandum of deposit of title deeds now cancelled by the District Registrar. It is also seen that the petitioner is the wife of A2 and she is also one of the co applicants while borrowing loan. While borrowing loan, the property belongs to A3 was pledged and deposited the original title deed. Now, one of the legal heirs of the said Krishnan i.e. the husband of A3 lodged complaint as if he never executed any release deed in favour of A3 and he is having 1/8th right over the property. Admittedly, till today, the borrowers never



committed any default. That apart, A2 and A3 were arrested and remanded to judicial custody. Insofar as other accused person A7 is concerned, who is one of the legal heirs and also executed release deed in favour of A3 was granted anticipatory bail by this Court. As far as the petitioner is concerned, she never fabricated any document and she never impersonated any person and she did not execute any release deed in favour of A3. She is the wife of A2 and she is one of the Directors of A1-company who borrowed loan.

7. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 CCB & CB CID Metropolitan Magistrate, Egmore, Chennai 600 008 and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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/-

16/06/2022

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 AND CBCID METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI-600 008.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

4 THE SUB INSPECTOR OF POLICE,
CCB, EDF-I, TEAM-I, VEPERY,
CHENNAI-600 007.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S.T.M.PAPPIAH Advocate on payment of necessary
charges SR.NO. 9230

CRL OP.13946/2022

Date :16/06/2022

RW-17/06/2022