IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

Crl.O.P.No.14689 of 2022

Elanthan .. Petitioner

Vs.

The State rep. by
The Inspector of Police
Bank Fraud Investigation
Team – XII, CCB,
Vepery, Chennai-7.
(Crime No.179 of 2021). .. Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.179 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Shanmugam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.05.2022 for the offence punishable under Sections 120(B), 420, 465, 467, 468 and 471 of IPC in Crime No.179 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A4 namely Yamuna Rani, by giving forged documents has sold the property to A1 and obtained loan to the tune of Rs.2,09,25,000/- and also an amount of Rs.59,00,000/- has been transferred to the petitioner. Hence, the complaint.

3. The learned counsel appearing 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 was arrested and remanded to judicial custody on 25.05.2022. He would further submit that he is ready and willing to deposit some title deeds as directed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 7 accused in which the petitioner is arrayed as A7. According to the case of the prosecution, A3 being the Power of Attorney, fabricated the document through A1 and availed loan for purchasing a property. The defacto complainant paid a sale consideration to the tune of Rs.2,20,00,000/- in favour of A3. In turn, a sum of Rs.59,00,000/- was transferred in favour of the petitioner/A7. According to the petitioner, only on instructions given by A4, the petitioner received amount and thereafter returned back to A4. The petitioner did not detain any money with him. Now, the Banker is suffering, after dispersal of loan amount of Rs.2,20,00,000/- without any parent documents. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that when the petitioner was already granted bail by this Court, the petitioner was directed to deposit a sum of Rs.20,00,000/- to the credit of Crime No.179 of 2021. But the petitioner failed to deposit the said amount within the stipulated time. Therefore, he was arrested and remanded to judicial custody.

6. Considering the above facts and circumstances of the case, taking note of the fact that the petitioner is in judicial custody from 25.05.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is directed to deposit original title deeds (stand in the name of the petitioner or in name of his friends or relatives) not below to the worth of Rs.50 Lakhs along with the valuation certificate obtained from the authority concerned to the defacto complainant for security purpose and on such deposit, the petitioner is ordered to be released on bail on their 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 Exclusive trial CCB & CBCID cases court at Egmore 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 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/-
27/06/2022

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 EXCLUSIVE TRIAL CCB
& CBCID CASES COURT, EGMORE

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH -I,
TEAM XII, BANK FRAUD INVESTIGATION,
VEPERY, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.SHANMUGAM Advocate on payment of necessary charges SR.NO.10061

CRL OP.14689/2022

Date :27/06/2022

JPA 28/06/2022