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CrI.OP.No.16237 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

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

CrI.OP.No.16237 of 2022

E.Vanitha

..Petitioner/A1

Vs.

State by:

Inspector of Police,
Bank Fraud Investigation Wing, Team-31,
Central Crime Branch,
Egmore, Chennai.
(Crime No.158 of 2020).

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.158 of 2020 on the file of the Inspector of Police, Bank Fraud
Investigation Wing, Team-31, Central Crime Branch, Egmore, Chennai.

For Petitioner : Mr.A.Nagarajan

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

ORDER

The petitioner, who was arrested and remanded to judicial



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custody on 30.06.2022 for the offence punishable under Sections 420, 465, 467, 468 and 471 of IPC in crime No.158 of 2020 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that M/s. RME Sea Foods, had approached the *de-facto* complainant branch and applied for business loans and it was sanctioned on 25.11.2015 by then Chief Manager of the Branch Mrs. Celine Santiago. The said company was sanctioned a term loan of Rs.17,00,000/- (Rupees Seventeen Lakhs Only) for doing sea food processing business and an OD limit of Rs.80,00,000/- (Rupees Eighty Lakhs Only) was sanctioned to meet working capital needs and both term loans were not covered by any collateral security, as it was sanctioned under CGTMSE. The term loan was to be repaid in EMI's of Rs.30,788/- each starting from 29.02.2016 till 30.11.2022. Later, the party started to make default and failed to pay monthly term loan instalments and ultimately both the loan accounts become NPA on 30.06.2017. Further, the unit has been closed without informing the *de-facto* complainant. Hence, the case.



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3. The learned counsel appearing for the petitioner would submit that on 02.08.2019, one Mr.G.Ashok Raj, Chief Manager, Syndicate Bank, T.Nagar Branch lodged a complaint with the Commissioner of Police, Chennai through proper channel vide C. No.4399/CCB/COP/V/2019, C.No.3657/DC/CCB-I/COP/V/2019, C.No.2153/AC-BF/COP/V/2019. On receipt of the complaint, the respondent herein registered a case on 05.05.2020 in Crime No.158 of 2020 for the alleged offence as against the petitioner.

4. Even according to the *de-facto* complainant, A1 borrowed loan from the *de-facto* complainant to the tune of Rs.97,00,000/- by mortgaging property worth about Rs.80,00,000/-. Now, the loan account also become Non Performing Asset. That apart, the complaint is lodged in the year 2019 and the First Information Report was registered in the year 2020.

5. Considering the above facts and circumstances of the case



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and also considering the period of incarceration from the date of arrest i.e., 30.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on her 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 learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai 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 two 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



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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.

13.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
Bank Fraud Investigation Wing, Team-31,
Central Crime Branch,
Egmore, Chennai.
- 3.Central Prison(Women),
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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