Crl.O.P.No.17662 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B) r/w 420, 409, 468 r/w 471, 477A of IPC and under Section 7 of Prevention of Corruption Act, in R.C.No.26A of 2020, seeks anticipatory bail.

2. The case of the prosecution is that during the period 2019-20, the first accused was posted as Branch Manager at State Bank of India, Walajabad Branch and the second accused was the cash incharge of the branch. During that period, several gold loans were sanctioned. Out of which 124 gold loans sanctioned to 89 customers and they were suspicious. The investigation revealed that during 2018 to 2020 one M.P.Shanmugam and B.Anandakumar were engaged by the branch for the purpose of appraising the gold submitted by the customers while availing gold loans. Out of 124 gold loan accounts, 7 gold loans were sanctioned to 6 customers to the tune of Rs.0.17 crore by pledging spurious jewels, 45 gold loans were sanctioned to 31 customers to the

tune of Rs.2.82 crore without gold jewels and 72 gold loan accounts were sanctioned to 52 customers to the tune of Rs.1.40 crores for lesser weight of gold than the actual gold mentioned in the application. Hence, the total loss to the bank was to the tune of Rs.4.39 crore. Hence, the complaint.

3. The learned Senior Counsel appearing for the petitioner submitted that there are totally four accused in which the petitioner is arrayed as A3. The petitioner is none other than the wife of the second accused. The first accuse who was the Manager of the branch and the gold appraiser who is arrayed as fourth accused were absconded. Except the relationship of wife of the second accused, the petitioner is nothing to do with the crime as alleged by the prosecution. She is an income tax assessee and she is the proprietor of M/s.Indian Food Products.

3.1. The learned Senior Counsel also produced the income tax returns and balance sheet of the petitioner as on 31.03.2021 and it revealed all the assets and liabilities. He further submitted that in fact, the petitioner was very much present while her husband was arrested on

30.03.2022 at their house. Therefore, there is absolutely no question of absconding. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Per contra, the learned Special Public Prosecutor appearing for the respondent submitted that there are totally four accused in which the petitioner is the third accused. On several occasion, notice under Section 41(A) of Cr.P.C., was served to the petitioner and her husband. However, the petitioner failed to appear before the investigating Officer. He further submitted that the loan account and jewel account of the petitioner also freezed and now the investigation is pending. The specific allegations on the petitioner is that during the alleged period, in the saving bank account maintained by the petitioner at State Bank of India, Kundrathur Branch, suspicious case to the tune of Rs.81 lakhs were transferred to her account through the gold loan account holders of State Bank of India, Walajabad. Though the account of the petitioner was freezed, at that time the entire money has been withdrawn by the petitioner. Therefore, the custody interrogation of the petitioner is very much required in this case and

hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard Mr.E.Omprakash, learned Senior Counsel appearing for the petitioner and Mr.Srinivasan, learned Special Public Prosecutor appearing for the respondent.

6. It is seen that there are totally four accused in which the petitioner is arrayed as third accused. She is the wife of the second accused. The second accused was working as Cash incharge in the State Bank of India, Walajabad Branch, in which the first accused was working as Branch Manager. Out of 124 gold loans sanctioned to 89 customers, 7 gold loans were sanctioned to 6 customers by pledging spurious jewels. 45 gold loans were sanctioned to 31 customers to the tune of 2.82 crores without gold. 72 gold loans were sanctioned to 52 customers to the tune of Rs.1.40 crores found to contain lesser weight of gold than the actual gold mentioned in the application. Therefore, there is a loss to the bank to the tune of Rs.4.39 crores.

7. Admittedly, the petitioner is neither an employee of the said bank nor the customer. She is the wife of the second accused and she is nothing to do with the crime. Even according to the case of the prosecution, a sum of Rs.81 lakhs was transferred to the account of the petitioner through the gold loan account holder of the State Bank of India, Walajabad Branch. Whereas on perusal of the statements of bank account, it does not reveal anything. That apart, the petitioner was very much present at the time of her husband arrest on 30.03.2022. Further the account of the petitioner and jewel accounts with Karur Vysya Bank, Valasaravakkam and the State Bank of India, Walajabad were also freezed for investigation purpose.

8. Considering the above fact and circumstances of the case, this Court feels that the custodial interrogation of the petitioner does not require in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court CBI, Chennai, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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.

24.08.2022

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