Crl.O.P.No.17532 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B r/w 420, 409, 489B of IPC and Sections 13(2), 13(1)(a) of Prevention of Corruption Act amended in 2018 in FIR No.RC0322022A0006, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant one, K.R.Kagadal, General Manager, Regional Head, Bank of Baroda, Coimbatore Region had given a written complaint on 15.02.2022, alleging that as per RBI order No.SNE.No.65 dated 27.12.2021, the RBI called for the currency chest, Nanjappa Road, Coimbatore Branch to remit soiled notes in the denominations of Rs.2,000/-, Rs.500/-, Rs.200/- and Rs.100/-. The Currency Chest, Nanjappa Road had remitted an amount of Rs.70,40,00,000/- to RBI on 04.01.2022, vide letter dated 03.01.2022. While sorting the remitted currencies, the RBI found that there was shortage detected in the currency notes received, which was

informed by the RBI to the Bank of Baroda vide letter dated 10.01.2022. The RBI officials conducted a Snap Audit of Currency Chest and found that the shortage is about Rs.3,28,69,800/-. It is further alleged that while observing the CCTV footages Mr.Kanagaraj A4 (guard), is seen handling the cash and Mr.Srikanth(sub-staff) was seen removing the sections of notes from cash bundles. The same was captured in the CCTV footages on 28.05.2021 and 08.12.2021. It is further alleged that Mr.R.Selvarajan A1, M.Rajan, A2, S.Jayashankar A3, Mrs.V.Vijayalakshmi (deceased) are responsible as custodians for the correctness and safekeeping of the cash at the chest. It is also alleged that many financial transactions were found in the accounts of Mr.R.Selvaraj A1 and Mr.A.Srikanth A5 and financial transactions between Mr.M.Rajan A2 and Mr.A.Srikanth A5. A5 Mr.Selvaraj is holding accounts in several other banks other than Bank of Baroda. It is also alleged that the miscreants have caused the shortage of cash and counterfeit currencies with dishonest intention causing wrongful loss to the bank. Presently the FIR has been filed based on the complaint of the defacto complainant in crime No.RC0322022A006 dated 29.06.2022.

3. Mr.M.Velmurugan, the learned counsel appearing for the petitioner would submit that the petitioner was working as an Assistant Manager in the Currency Chest, Bank of Baroda from 07.05.2018 to 23.07.2021 in the Branch of Nanjappa Road, Coimbatore. Thereafter, he was transferred to the Main Currency Chest Branch at Coimbatore on 26.07.2021. There was shortage in the currency notes in the Currency Chest, Nanjappa Road Branch found in the Snap Audit by the RBI officials only on 08.01.2022. On that date, he was not there and he was already transferred to the Main Currency Chest Branch at Coimbatore on 26.07.2021 itself. On the date of Snap Audit, Managers are said to be the custodians of the Bank. Even prior to his transfer, the petitioner was having lesser responsibility. The Managers are the actual custodians having higher responsibility are arrayed as A2 and A3. On 07.01.2021, the fifth accused entered into the Chest Vault without prior permission and mishandled the cash bundles. In fact, the petitioner subsequently made a complaint to the Manager i.e. third accused about the unauthorised entry by the fifth accused and also sent CCTV footage.

However, the Manager of the Bank i.e. the third accused did not take any action against A5 who involved in many malpractices with the help of the Managers of the Bank. In fact, after receipt of the notice from the Bank, he sent detailed reply. Even after receipt of the same, the present FIR has been registered, in which the petitioner is arrayed as first accused.

4. Per contra, Mr.K.Srinivasan, Special Public Prosecutor for CBI appearing for the respondent submitted that by the order dated 03.01.2022, the Reserve Bank of India directed the Currency Chest, Nanjappa Road Branch, Coimbatore to remit soiled notes in the denomination of Rs.2,000/-, Rs.500/-, Rs.200/- and Rs.100/-. Accordingly, Currency Chest, Nanjappa Road Branch, Coimbatore remitted a sum of Rs.70 crores 40 lakhs. In the said remittance, RBI found that there was discrepancy detected in the examination of the notes as follows:

S.No	Discrepancies	Denomination	Pieces	Values in Rs.
1	Counterfeit notes	100	8	98,00,000
		200	1	
		500	6	
		2000	4898	
2	Mutilated notes	100	39	54,700
		200	4	
		500	52	
		2000	12	
3	Shortage	100	1132	1,84,95,100
		200	107	
		500	17937	
		2000	4696	
Total(A)				2,83,49,800

He would further submit that on the said discrepancies, RBI officials conducted Snap Audit on 08.01.2022 and during the Audit, again there is a shortage of cash at the Currency Chest besides counterfeit notes as under:

S.No	Discrepancies	Denomination	Pieces	Values in Rs.
1	Counterfeit notes	100	1	1,06,600
		500	1	
		2000	53	

2	Mutilated notes	100	1	9,200
		200	3	
		500	1	
		2000	4	
3	Shortage	200	1	44,04,200
		500	300	
		2000	2127	
Total(B)				45,20,000

Thus, total discrepancies found in the Bank of Baroda Currency Chest, Nanjappa Road, Coimbatore were amounting to Rs.3,28,69,800/-. He further submitted that though the petitioner was transferred on 26.07.2021, the CCTV footage dated 28.05.2021 and 08.12.2021 are prior to that and the petitioner along with other accused persons are custodians to ensure correctness and proper safekeeping of cash at Currency Chest. Therefore, all are responsible for the new type of offence committed by the accused persons. Therefore, the custodial interrogation of the petitioner is very much required in this case.

5. Heard, Mr.M.Velmurugan, the learned counsel appearing for the petitioner and Mr.K.Srinivasan, Special Public Prosecutor for CBI appearing for the respondent.

6. There are totally six accused, in which the petitioner is arrayed as A1. Admittedly, the petitioner was working as an Assistant Manager in the Currency Chest, Bank of Baroda, Coimbatore from 07.05.2018 to 23.07.2021. Thereafter, he was transferred to the Main Currency Chest Branch, Coimbatore. According to the case of the prosecution, the Currency Chest, Nanjappa Road, Coimbatore Branch was called upon to remit soiled notes in the denomination of Rs.2,000/-, Rs.500/-, Rs.200/- and Rs.100/-. Accordingly, they remitted a sum of Rs.70,40,00,000/-, in which there are discrepancies detected by the Reserve Bank of India. Therefore, they committed Snap Audit on 08.01.2022 and further detected discrepancies to the tune of Rs.45,20,000/-. Thus in total, there was discrepancy to the tune of Rs.3,28,69,800/-. Insofar as the petitioner, he was relieved from the Currency Chest, Bank Baroda on 23.07.2021 and he joined in the Main Currency Chest Branch at Coimbatore on

26.07.2021. In fact, on the date of Snap Audit conducted by the Reserve Bank of India i.e. On 08.01.2021, the petitioner was not there and he already joined in the Main Currency Chest Branch at Coimbatore. In fact, after receipt of the notice, as far as the transaction between the accused i.e. Petitioner and fifth accused, the petitioner already sent detailed reply dated 16.06.2022 and it revealed that from 05.05.2020 to 22.05.2020, the petitioner transferred a sum of Rs.4,000/-, Rs.4,800/-, Rs.6,000/- and Rs.8,000/- to the fifth accused. Further, another transaction with Senthilkumar who is the contractor for putting up construction, he transferred amount. Further, during the periodical inspection by the Reserve Bank of India, no discrepancies were found out in the Currency Chest, Nanjappa Road Branch of Bank of Baroda, Coimbatore. In fact, only on the request made by the Reserve Bank of India, Nanjappa Road Branch Currency Chest, Bank of Baroda remitted a sum of Rs.70,40,00,000/-. Therefore, the custodial interrogation of the petitioner does not require in this case. However, the learned counsel for the petitioner would submit that to show bonafide, the petitioner is ready and willing to deposit any title deed of property as security.

7. Considering the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit original title deeds (stand in the name of the petitioner or his friends or relatives) not below the value of Rs.1,00,00,000/- (Rupees One Crore only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.RC0322022A0006 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the II Additional District Judge, Coimbatore 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 deposit original title deeds (stand in the name of the petitioner or his friends or relatives) not below the value of Rs.1,00,00,000/- (Rupees One Crore only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.RC0322022A0006 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[g] 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].**

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

25.08.2022

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