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Crl.OP.No.21824 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21824 of 2022

P.Sairam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Bank Fraud Investigation Wing, Team-31,
City Crime Branch,,
Egmore, Chennai.

(Crime No.164/2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.164
of 2020 pending investigation on the file of the Bank Fraud Investigation
Wing, Team-31, City Crime Branch, Egmore, Chennai.

For Petitioner : Ms.Nathiya Srinivasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Sections 120B, 465, 467, 468, 471, & 420 of IPC in Crime No.164 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that as per the de-facto complainant (Indian Overseas Bank) is that the petitioner in collusion with the other accused, by fabricating the documents, had obtained the loan for a sum of Rs.41,93,000/- from the de-facto complainant bank and later, cheated by not paying the borrowed loan. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he himself is a victim. She would further submit that the second accused is a builder and on believing his words, the petitioner had obtained the loan by mortgaging the house using the documents which were fabricated by the second accused. She would also submit that only later, the petitioner realised that the second accused had cheated him as well as the bank, by mortgaging the house which



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has already been sold to one Aravindhnan. The learned counsel would submit that the case is of the year 2020 and A2, who is the main accused in this case has been granted with bail by this Court in Crl.O.P.No.18687 of 2022 dated 10.08.2022. Thereby, she prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused had obtained loan to the tune of Rs.41,93,000/- from the de-facto complainant bank by fabricating the documents. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the main accused in this case has been granted with bail, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Metropolitan Magistrate for CCB & CBCID cases, 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., until further orders;

[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



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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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

09.09.2022

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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