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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.17263 of 2022

Wilson Amalarajan

... Petitioner/Accused No.3

Vs

State rep.by
The Sub Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
(Crime No.29/2022).

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel for
Mr.K.Prabhu, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.29/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 23.07.2022 for the offences punishable under Sections 406, 465, 467, 468, 471, 420 and 120-B IPC, in crime No.29 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused had created forged documents and had obtained loan of Rs.40,00,000/- by mortgaging forged title deed stands in the name of A2 and enhanced the loan of Rs.90,00,000/- by mortgaging another forged title deed stands in the name of A2. Thereafter, A1 had



obtained Corona period loan of Rs.18,00,000/-. In all the above loans, the petitioner stood as guarantor and till 27.04.2020, the outstanding loan amount was Rs.1,27,37,300/-. Further, on 19.12.2013, the petitioner had obtained loan of Rs.20,00,000/- from the same bank by mortgaging a forged title deed, which stands in his name and subsequently, on 07.01.2016, he enhanced the loan of Rs.30,00,000/- and the outstanding loan amount for the petitioner is Rs.31,26,895/- and till date, all the accused did not repay the above outstanding loan amount and misappropriated the amount and cheated the defacto complainant's bank. Hence, the complaint.

3.The learned Senior Counsel for the petitioner would submit that there are two loan accounts. in respect of the first loan, the petitioner only stood as a witness and in the second loan account, the petitioner has re-mortgaged another property on 15.07.2022 and based on which, the bank has also initiated DRT proceedings and the same is also pending. He would further submit that out of the total outstanding amount of Rs.32,51,441/-, the petitioner has repaid a sum of Rs.13,00,000/- to the Bank. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and he is in judicial custody from 23.07.2022. Hence, the learned Senior Counsel prays for bail.

4.The learned Additional Public Prosecutor would submit that there are three accused in this case and the petitioner is arrayed as A3. A1 is the proprietor of Hebsiba Timber Trading Company, Kanyakumari. A2 is the father of A1 and A3. He would further submit that there are two loan transactions. The first transaction is Rs.1,27,37,300/-, in which, the petitioner stood as a guarantor and all the accused joined together in collusive manner and tried to cheat the de-facto complainant bank by producing forged documents and obtained huge loan from the bank. A1 and A2 are still absconding and the investigation is in preliminary stage. Hence, he strongly opposed to grant bail to the petitioner.

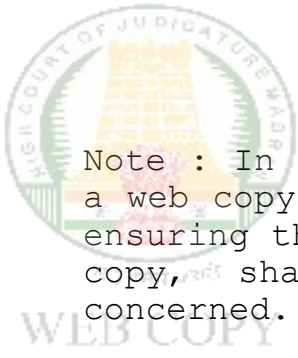
5.Considering the nature and gravity of the offence and also considering the quantum of amount involved in this case and also the fact the investigation is in preliminary stage, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
27/09/2022

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/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
 2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.PRABHU.K. Advocate SR.No.10673

ORDER
IN
CRL OP (MD) No.17263 of 2022
Date :27/09/2022

SP/VR/SAR I/06/10/2022/3P/5C