



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17997 of 2022

Wilson Amalarajan

... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

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

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

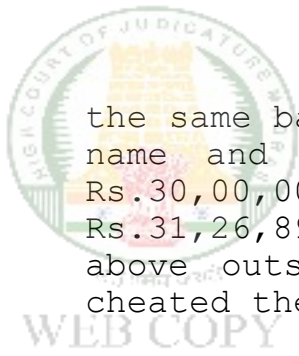
PRAYER :-

For bail in Cr No.29/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded 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 19.12.2020, the petitioner had obtained loan of Rs.20,00,000/- from



the same bank by mortgaging a forged title deed, which stands in the name of the petitioner 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. With regard to 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. However, the petitioner is ready to abide any condition imposed by this Court. Hence, the learned Senior Counsel prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent strongly opposed this petition stating that the investigation is not yet completed.

5.Taking into consideration the facts and circumstances of the case and also taking note of the gravity of offence and also the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Indian Bank, Melur Branch, Door No.92-N, Devarpuram Road, Melur, Tuticorin-628 003, without prejudice to his rights and contentions before the trial Court.

7.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Thoothukudi and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;



(iv) the petitioner shall not abscond during trial;

(v) 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]**.

sd/-
07/10/2022

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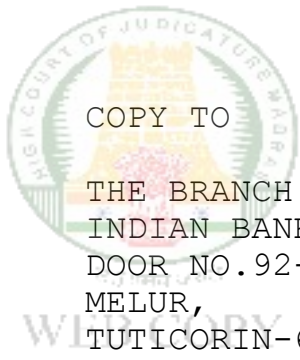
07/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI/KSA

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 JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD). N



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COPY TO

THE BRANCH MANAGER,
INDIAN BANK, MELUR BRANCH,
DOOR NO.92-N, DEVARPURAM ROAD,
MELUR,
TUTICORIN-628 003.

+1 CC to M/s.K.PRABHU, Advocate (SR-11068[I] dated 07/10/2022)

ORDER

IN

CRL OP(MD) No.17997 of 2022

Date :07/10/2022

RK/SBN/SAR-1 (07/10/2022) 4P/8C