IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9788 of 2023

P.Thirumaleswara Rao ... Petitioner

Vs.

The State represented by
Inspector of Police
Central Crime Branch,
Bank Fraud,
Egmore, Chennai,

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to release the petitioner herein on bail in Crime No.458 of 2014 on the file of the respondent police herein.

For Petitioner : Mr.M.Venkatesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.03.2023, for the offences punishable under Sections 465, 468, 471 and 420 r/w 34 of the Indian Penal Code, in Crime No.458 of 2014, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant who is the Assistant General Manager, Canara Bank, Habibullah Road Branch, T.Nagar, Chennai, is that one R.G.Balaji and his wife Rekha/guarantor had purchased a Car for a total sale consideration of Rs.48,41,417/- and towards the same they have taken a loan of Rs.40 lakhs from the defacto complainant's bank and the car was registered before the RTO, Chennai. Afterwards, the said R.G.Balaji had not paid the dues and was cheating the bank. In view of the above facts, the documents with the RTO were perused and it transpired that on the basis of false NOC, the hypothecation has been cancelled and the vehicle has been registered in the name of the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is a car dealer and the first accused/R.G.Balaji had approached the petitioner and sold his car and he had produced documents showing that he had earlier availed loan from the bank and later, the loan was repaid and NOC was obtained and later, the car was sold to a 3rd party and only after some time, the petitioner came to know that the 1st accused and his wife/2nd accused had fabricated the documents and based on that they sold the car. He would submit that the case is of the year

2014 and now the car has been recovered and the bank has got back its money. He would further submit that the petitioner has been in judicial custody from 10.03.2023 and he is ready to abide by any stringent conditions that may be imposed on him and hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner is arrayed as A3. The 1st accused is the borrower and his wife is the 2nd accused and they had obtained loan from Canara bank for purchasing of car and after some time, without repaying the entire loan amount, A1 and A2 along with the petitioner fabricated the documents as if, the loan was cleared and NOC was obtained and based on which, they sold the car to a 3rd party. He would submit that after 9 years, the petitioner has been arrested and the investigation is pending.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the fact that the case is of the year 2014 and further, the case is borne out by documents and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

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,** each for a like sum to the satisfaction of the **learned Special Court CCB, 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 everyday 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 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.

28.04.2023

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To

1. The Special Court CCB, Chennai.

2. The Inspector of Police
   Central Crime Branch,
   Bank Fraud,
   Egmore, Chennai,

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
   High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,

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