



Crl.O.P.No.13109 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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

Crl.O.P.No.13109 of 2023

Siva Subramani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB No.I, Team - XI,
Bank Fraud Investigation Wing,
Chennai.

(Crime No.16 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner in Crime No.16 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.M.Mohamed Riyaz

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 11.05.2023, for the offence punishable under Sections 120(b), 420, 465, 467, 468, 471, 477A of IPC, in connection with Crime No.16 of 2023, registered on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who represented himself as the owner of M/s Dharshini Interiors, in collusion with other accused, had availed credit facilities to the tune of Rs.1crore from the State Bank of India, by furnishing the fake and fabricated documents and cheated the bank. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been made as scapegoat in this transaction. He further submitted that the petitioner was working as a Driver in M/s.Rainbow Enterprises owned by one Thiruselvi, who is the daughter of one Ulaganathan/A3. He further submitted that by taking advantage of the



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fact that the petitioner was working under him, the said A3 had applied for loan by furnishing his documents as collateral security and the petitioner being the Driver, had innocently believed him and signed all the papers, later, he came to know that the petitioner was shown as the main borrower in the name of M/s Dharshini Interiors, which was started by A3 in the name of the petitioner. He further submitted that the petitioner himself is the victim and only after A3 failed to repay the loan amount, the loan was declared as non performing asset and only during enquiry, it came to light that A3 had availed various loans by misusing the property. He also submitted that the petitioner has not benefited even a single rupee from the alleged transaction and he is in custody from 11.05.2023. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was working as a Driver in M/s.Rainbow Enterprises owned by one Thiruselvi, who is the daughter of one Ulaganathan/A3 and the said Ulaganathan, had used the name of the petitioner by starting a company in the name of M/s Dharshini Interiors and



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by furnishing the fabricated documents as collateral security, had obtained a loan to the tune of Rs.1 Crore and he had also not repaid the same. He also submitted that as on today, the amount liable to the bank is about Rs.1 Crore and 27 lakhs. He also submitted that investigation in this case is pending, therefore, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, in order to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit the original title deeds of the superstructure comprised in Patta No.6011 worth about Rs.30 lakhs, before the Court concerned. Therefore, he prayed to grant bail to the petitioner.

6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking



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note of the fact that the petitioner's name was misused by the other accused and he had been only made as a scapegoat in this transaction and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

8. Accordingly, **the petitioner is directed to deposit the original title deeds of the superstructure comprised in Patta No.6011 (standing in the name of the petitioner or his wife) to the credit of Crime No.16 of 2023**, without prejudice to his rights and contentions before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one surety should be the wife of the petitioner), each for a like sum to the satisfaction of the **learned CCB & CBCID Court, 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;



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[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.

13.06.2023

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To

1. The CCB & CBCID Court,
Egmore, Chennai.
2. The Inspector of Police,
CCB No.I, Team - XI,
Bank Fraud Investigation Wing,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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