



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/02/2023
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3121 of 2023

S.Mukesh

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Trichy District.
Crime No.1/2023.

... Respondent/Complainant

For Petitioner : Mr.JEGANATHAN.C, Advocate

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

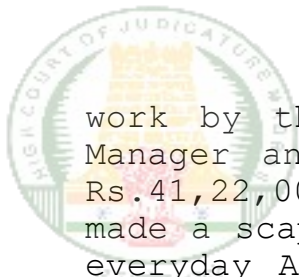
PRAYER :- For Bail in Crime No. 1 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 19.01.2023, for the offence punishable under Sections 408, 463, 464, 465, 468, 471, 477(A) of IPC in Crime No. 1 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, Deputy General Manager, Canara Bank, Trichy is that the petitioner was working as an Appraiser, on contract basis. During audit, it came to light that the petitioner is in collusion with 8 customers, has obtained two applications from each customers for availing the loan, wherein, in one application he has quoted the lesser loan amount and in the second application he has quoted higher amount, thereby, by pledging lesser valued jewels and by fabrication of documents he has cheated the bank by availing loans to the tune of Rs.41,22,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner was appointed as an Appraiser, on contract basis, for three years and his contract period was also over by 24.08.2022. Thereafter, he was directed to continue the



work by the concerned Branch Manager and Cashier. While the Branch Manager and the Cashier have swindled the amount to the tune of Rs.41,22,000/- by fabrication of documents and the petitioner is made a scape goat. There is an Internal Audit Team in the bank and everyday Audit will be done. If the petitioner has committed any offence, it would have been brought to the notice of the Branch Manager and Cashier on the same day, whereas the petitioner has been falsely roped into the case. The entire case is borne out of records. The petitioner is in custody from 19.01.2023, for more than 35 days. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner while working as an Appraiser in Canara Bank, with the help and collusion of eight customers, by fabrication of documents and pledging lesser amount of jewels have availed loans to the tune of Rs.41,22,000/- and cheated the bank. The customers, who have pledged the jewels stated that they have pledged jewels only on the request of the petitioner and the presence of the petitioner and the customers are available in CCTV footage in the premises of the bank. The investigation is at initial stage. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

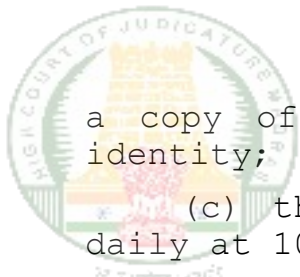
6.At this juncture, the learned counsel for the petitioner would submit that the petitioner is innocent. However, to show his *bonafide*, he is ready and willing to deposit the original title deeds of the immovable property worth about Rs.15 lakhs. Hence, prays to release him on bail.

7. Taking into consideration the facts and circumstances of the case and considering the readiness and willingness of the petitioner to deposit title deeds worth about Rs.15 lakhs and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

8.Accordingly, the petitioner shall deposit the original title deeds of immovable property to the value of Rs.15,00,000/- (Rupees Fifteen Lakhs only) either belonging to himself or friends or relatives, without prejudice to his rights and contentions, before the trial Court to the credit of Crime No.1 of 2023.

(a) on such deposit being made, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Trichy**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain



a copy of their Aadhar Card or Bank Pass Book to ensure identity;

(c) the petitioner shall report before the respondent Police daily at 10:30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/02/2023

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24/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.3121 of 2023

Date :24/02/2023

SA/VR/SAR. /24.02.2023/3P/6C