



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

PRESENT

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

CRL.O.P (MD) No.3528 of 2023

WEB COPY

Perumalraj

... Petitioner/Accused No.2

-vs-

State represented by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Cr.No. 17 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.17 of 2022.

For Petitioner : Mr.V.Balasubramanian, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

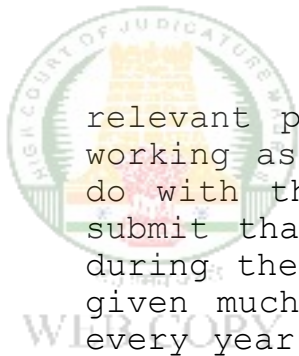
O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 409, 417, 420, 465, 471 of IPC in Crime No.17 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Jaisingh Prabhu is that he is working as Divisional Manager in Pincare Small Finances Bank Limited, Valliyoor Branch and the first accused was working as branch Manager and the second accused was working as the Regional manager in their bank and they have been working in Tuticorin Branch from 20.03.2020 to 09.03.2022 and they have fabricated the document as if the Government has given loan to deceased persons and to some customers without their knowledge and they have cheated the bank to the tune of Rs.37,46,344/- out of which one Ramesh swindled Rs.29,72,806/- and one Perumalraj swindled Rs.7,73,538/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been made as scapegoat

<https://www.mhdc.org.in/judis>



relevant period from 20.03.2020 to 09.03.2022, the petitioner is working as the Manager at Rajapalayam Branch and he has nothing to do with the offence committed in Tuticorin Branch. He would also submit that though the alleged offence stated to have taken place during the period 20.03.2020 to 09.03.2022, the complaint has been given much belatedly after 6 months. He would further submit that every year there used to be an internal audit and if the petitioner had committed any offence, it would have come to the knowledge of the officials even during the earlier financial years and only to victimize the petitioner, a false complaint has been given. He would submit that the petitioner is ready and willing to deposit the original title deeds worth Rs.5 lakhs to the credit of crime No. 17 of 2022 before the court. He would seek for anticipatory bail to the petitioner.

4.The Government Advocate (Crl.side) would submit that along with other accused, the petitioner has swindled Rs.7,73,538/-. Hence, he prays for dismissal of this application.

5. Heard and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Tirunelveli, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

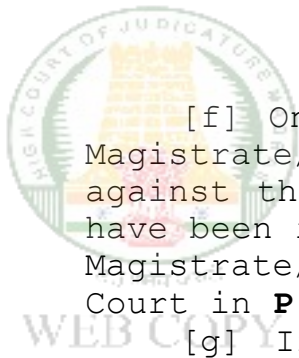
[a] the petitioner shall deposit the original title deeds of immovable property worth Rs.5 lakhs either belonging to himself or his friends or relatives to the credit of Crime No.17 of 2022 before the learned Judicial Magistrate No.1, Tirunelveli at the time of producing sureties.

[b]the petitioner and 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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/02/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.BALASUBRAMANIAN, Advocate (SR-3043[I] dated
28/02/2023)

ORDER
IN
CRL OP(MD) No.3528 of 2023
Date :28/02/2023

RK/SAR-1 (08/03/2023) 3P/6C