



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

PRESENT

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

CRL.O.P (MD) No.23106 of 2022

1.Vijayalakshmi

2.S.Jayshree

3.P.Prashanth Pandian

...Petitioners/Accused 2 to 4

-VS-

The State represented by
The Inspector of Police,
Central Crime Branch, Madurai City,
Viswanathapuram,
Madurai 625 014.
(Cr.No.50 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.50 of 2022 on the file of the respondent Police.

For Petitioners : Mr.A.L.Ganthimathi
Senior Counsel
for Mr.C.Mahadevan

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420, 406, 465, 468 and 471 of IPC in Crime No.50 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, T.H.Anoop, Senior Regional Manager, Indian Overseas Bank, is that the first accused was the Manager in the Indian Overseas Bank, Madurai Medical College Branch and she was in-charge of branch



operations including sanctioning housing loan. While so, it accused, who was the Manager, along with other accused in collusion by commission of irregularities and manipulation of records, had transferred an amount of Rs.28,00,000/- in favour of the first petitioner herein and thereby, cheated the bank. Hence, the case.

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3.The learned Senior Counsel for the petitioners would submit that the petitioners are innocents and the first petitioner is a retired Professor in Pharmacology at Madurai Medical College during the year 2018 and the petitioners 2 and 3 are none other the relatives of the first petitioner, who have stood as guarantor to the housing loan taken by her from Indian Overseas Bank, Madurai Medical College Branch. She would further submit that during the relevant period, the first petitioner has applied for a housing loan by mortgaging the title deed of a property to an extent of 1800 sq.ft. of land, at Melamaruvathoor for constructing a house. Based on the deposit of title deed, a registered mortgage deed was also executed by her in favour of Indian Overseas Bank by document No.363/2019, dated 07.02.2019 at the office of the Sub Registrar, Achirupakkam, Melmaruvathur and thereafter, the loan was sanctioned to her and the amounts have been credited to her Savings Bank account. Based on the loan, she has continued with the construction of house and she has also completed the construction.

4.The learned Senior Counsel for the petitioners would further submit that the petitioners came to know that due to some irregularities committed by the Branch Manager, the amounts in the account of one deceased Dr.Parameshwasri, have been wrongly transferred to the account of the first petitioner and she would submit that the first petitioner is the *bona fide* borrower from the bank and even as on date, her property is under mortgage with the Indian Overseas Bank. She would further submit that the petitioners have no intention of cheating the Bank and the first petitioner is also ready to repay the loan borrowed from the bank and she would submit that the first petitioner is now retired and she is receiving her pension benefits from the Government and she has not absconded. She would further submit that the entire case of the prosecution is borne out by documents and the petitioners are ready to appear before the respondent for investigation. She would also submit that the first accused in this case, who is the Manager of the Branch, who has sanctioned the loan, has been arrested and enlarged on bail.

5.The learned Government Advocate (crl.side) would submit that the first petitioner was previously working as Professor in Madurai Medical College and during such time, she had applied for housing loan with Indian Overseas Bank at Madurai Medical College branch and the Manager in collusion with the petitioners and other borrowers, even before the loan could be sanctioned, had transferred the amount lying in the deposit of a deceased customer Dr.Parameshwari to the account of the first petitioner and other accused and had cheated



would also submit that the other similarly placed accused 1  en granted bail on condition to repay the amount and they have also repaid same to the bank.

6. In reply, the learned Senior Counsel for the petitioners would reiterate that the original title deed of the property belonging to the first petitioner is under mortgage with the bank and if the bank is ready to cancel the mortgage, the first petitioner is ready to repay the loan and settle the dues to the bank. She would submit that the first petitioner is a Doctor by profession and she has no intention to cheat the bank or any person.

7. Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Madurai, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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22

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

sd/-
20/01/2023

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/01/2023

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

CMR

TO

1. THE JUDICIAL MAGISTRATE, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY,
VISWANATHAPURAM,
MADURAI 625 014.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.GANTHIMATHI.AL , Advocate (SR-928[I] dated
23/01/2023)

ORDER
IN
CRL OP(MD) No.23106 of 2022
Date :20/01/2023

RK/BUC/SAR-2 (30/01/2023) 4P/6C