IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.10496 of 2024

Bharathi ... Petitioner

Vs.

State Rep by.
The Inspector of Police
Bank Fraud Investigation Wing,
Central Crime Branch, Team - 31,
Vepery, Chennai. Crime No. 25 of 2024
... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to order enlarge the petitioner on bail pending investigation in crime No. 25 of 2024 on the file of the The Inspector of Police, Bank Fraud Investigation Wing, Central Crime Branch, Team - 31, Vepery, Chennai.

For Petitioner : Mr.R.Sasikumar
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 12.03**.2024** for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471 r/w 120 (B) IPC **in crime No. 25 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner borrowed a home loan of Rs.32 lakhs for purchasing the property at Plot No. 22, Devaki Nagar, Madhavaram Village, Tiruvallur District. It is further alleged that when the petitioner committed default in repayment of loan amount, the defacto complainant initiated SARFAESI proceeding and found that there is no such proerty and the patta produced by the petitioner is forged one. hence, the case.

3. The learned counsel for the petitioner submits that the petitioner was introduced to one Sasikumar through his friend Ruban, when the Sasikumar stated that Harinath is into the business of Real Estate and introduced with the petitioner and further stated that a plot is up for sale in Madhavaram village for a consideration of Rs.47,00,000/- and informed that

the property would be registered in his favour on initial payment of Rs.15,00,000/- and further stated that he would arrange loan in favour of the petitioner for the balance consideration of Rs.32,00,000/- Believing his representation to be true, the petitioner had paid a sum of Rs.15,00,000/- and balance amount of Rs.32,00,000/- arranged as loan. At the time of entering the sale agreement with A2/Harinath, demanded and insisted the petitioner to pay additional amount of Rs.15,00,000/- by way of cash to him for urgent family needs and assured him that he would return the same after sanctioning the loan. For which, the petitioner paid the above said amount and had purchased the property situated at Devaki Nagar, Madavaram with an extent of 1200 square feet. After Covid pandemic the petitioner is not able to repay the loan amount, hence he tried to sell the property to repay the loan amount,when he came to know that he was cheated by Harinath, Sasikumar and IDBI Bank manager by way of forged documents. Hence, he prays to allow this petition.

4. Heard both sides.

5. On perusal of the records, it reveals that the petitioner has paid a

sum of Rs.15 lakhs as loan instalment and due to Covid pandemic he was not able to repay the remaining loan amount to the bank. Considering the above and also the period of incarceration undergone by the petitioner and also the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner with the following conditions:

5. Accordingly, 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 (one must be a blood surety),** each for a like sum to the satisfaction of the **learned Additional CCB Metropolitan Magistrate 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;
>
> **[b] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m.,**

for a period of three months and thereafter as and when required for interrogation.

[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.

29.04.2024

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T.V.THAMILSELVI,J.

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To
1. The **Additional CCB Metropolitan Magistrate Court, Egmore, Chennai.**
2. The Inspector of Police
Bank Fraud Investigation Wing,
Central Crime Branch, Team - 31,
Vepery, Chennai.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

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