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Crl.O.P.Nos.27731 & 27734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.27731 & 27734 of 2023

Nazar Ali @ Nazar Liyankath Ali

... Petitioner in both Crl.O.Ps

Vs.

The State represented by
The Sub Inspector of Police,
Team 12, CCB I,
Vepery, Chennai.
Crime No.176 of 2023

... Respondent in Crl.O.P.No.27731 of 2023

The State represented by
The Inspector of Police,
Team 12, CCB I,
Vepery, Chennai.
Crime No.164 of 2023

... Respondent in Crl.O.P.No.27734 of 2023

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioner on bail in Crime Nos.176 and 164 of 2023 respectively on the file of the respondent Police.

In both Crl.O.Ps

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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COMMON ORDER

The petitioner who was arrested and remanded to judicial custody on 19.10.2023 for the offences under Sections 420, 465, 467, 468 and 471 of IPC, in Crime Nos.176 and 164 of 2023 on the file of the respondent Police, seeks bail.

2(i).The case of the prosecution in Crl.O.P.No.27731 of 2023 is that the defacto complainant who is the Branch Manager of Karur Vysya Bank Limited had lodged a complaint stating that the petitioner herein had approached the said Bank requesting housing loan to purchase a flat to an extent of 1177 sq.ft together with 729 UDS comprised in S.No.68/8, at Manapakkam Village, Sriperumbuthur Taluk, Kanchipuram District. It is further stated that the Bank had sanctioned a loan amount of Rs.71,61,000/- and thereafter, the amount was not repaid and the loan was declared as non-performing asset. The Bank then initiated proceedings under SARFAESI Act. On verification of the documents, it was found that IT returns which have been furnished by the petitioner for obtaining loan, were forged and fake documents. It was under those circumstances, the complaint was lodged and the FIR was registered.



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2(ii).The case of the prosecution in Crl.O.P.No.27734 of 2023 is that the defacto complainant who is the Branch Manager of Karur Vysya Bank Limited had lodged a complaint stating that the petitioner herein had approached the said Bank requesting housing loan to purchase a residential land from one Albert Devasagayam. It is further stated that the Bank had sanctioned a loan amount of Rs.47,37,000/- and thereafter, the amount was not repaid and the loan was declared as non-performing asset. The Bank then initiated proceedings under SARFAESI Act. On verification of the documents, it was found that IT returns which have been furnished by the petitioner for obtaining loan, were forged and fake documents. It was under those circumstances, the complaint was lodged and the FIR was registered.

3.The status report has been filed wherein it has been stated that the petitioner had obtained a loan by producing a fake IT returns to show higher income. But however, it had been stated that the documents relating to the property which has been purchased, are the genuine documents.

4.The learned counsel for the petitioner pointed out that the petitioner had been in custody for a considerable period of time.



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5. In the status report, it had been further stated that a detailed examination had been done and the income tax returns produced by the petitioner clearly shows that it is a fake and forged documents.

6. But however with respect to the properties, the title deeds are genuine and proper.

7. Taking into consideration of the fact that the investigation has been practically completed so far as the income tax returns are concerned and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, 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 Additional Judge for CCB, 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 everyday at 10.30 a.m., until further orders.

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



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.01.2024

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To

- 1.The Additional Judge for CCB, Egmore, Chennai.
- 2.The Inspector of Police,
Team 12, CCB I,
Vepery, Chennai.
- 3.The Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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