



CRL OP(MD) No.823 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Nineteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.823 of 2024

P.RAMKUMAR

... Petitioner / Accused No.6

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
PUDUKOTTAI,
(CRIME NO.9/2023).

... Respondent / Complainant

For Petitioner : M/s.B.Jameelarasu, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER : FOR BAIL IN CRIME NO.9/2023 ON THE FILE OF THE RESPONDENT
POLICE

ORDER : The Court Made the following order :-

The petitioner /A6, who was arrested and remanded to judicial custody on
26.12.2023 for the offences punishable under Sections 406 & 420 of IPC, in Crime
No.9 of 2023 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that the petitioner is the owner of warehouse namely, 'M/s.Shanmuganathan Cold Storage', Mathur. The accused persons borrowed loan from the defacto complainant's bank by pledging the receipts issued by the petitioner on the basis of the availability of stock in the warehouse. When the bank officials conducting inspection in the said warehouse, they found that there was no stock as alleged in the receipts issued by the petitioner. Even though no stock was available in the warehouse, the petitioner issued the receipts in favour of the accused. On the said receipts, the accused persons borrowed loan from the defacto complainant's bank and cheated the amount of Rs.1,57,00,000/-. That amount was not repaid by the accused persons. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is only the owner of the warehouse and the other accused persons are the customers of the petitioner. He issued the receipts only to his customers and not to the bank. Based on the receipts issued by the petitioner, the Bank, cannot be issued loan to the accused persons or any other person. Hence, the petitioner is not responsible for the said occurrence. The petitioner is in judicial custody from 26.12.2023. Hence, he prays for grant of bail to the petitioner.

4.Heard the learned Additional Public Prosecutor appearing for the State



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would submit that usually based on the value of the stock i.e pulses and spices etc., available in the warehouse, the petitioner issued the receipts and on that receipts, the Bank used to issue loan to the persons. Without any stock, the petitioner issued the receipts in favour of the accused persons. Thereby, he caused loss to the Bank to the tune of Rs.1,57,00,000/-. Out of which, balance amount of Rs.96 lakhs to be paid by the accused persons. Hence, he vehemently, opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
19/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1. The Inspector of Police,
District Crime Branch,
Pudukottai.



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2.The Superintendent,
Central Prison,
Thiruchirappalli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.823 of 2024
Date :19/01/2024

ED/ JGB /SAR- (29/01/2024) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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