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Crl.O.P.No.437 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 437 of 2025

1.T.Suresh

2.Vasantha

Petitioner(s)/A-5 and A-12

Vs

The State Represented By,

The Inspector of Police,

District Crime Branch,

Salem District.

(Crime No.12 of 2024)

Narendrakumar

For Petitioner(s):

Mr.C.Deepak Kumar

Respondent(s)

Intervenor/ defacto complainant

For Respondent(s):

Mr.S.Santhosh

Government Advocate (Criminal Side)

For Intervenor(s):

Mr.D.Ravichandran

ORDER

Apprehending arrest in connection with Crime No.12 of 2024 registered for the offences punishable under Sections 120B, 467, 408 and 409 of IPC, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution is that, the accused who was working as Relationship Executive in the Sriram Finance, Kolathur Branch, Salem by fabrication of documents and forged loan applications cheated the company to the tune of Rs.1,11,20,000/-. Hence the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this court. He would submit that the customer have given fabricated documents and on believing the same, the petitioner/A-5 has released the amount. He would submit that the petitioner/A-12 is the mother of first petitioner/A-5 and without her knowledge her son/A-5 has used her account number. He would submit that the petitioner/A-12 is ready to return the amount of Rs.6,00,000/-, which has been deposited in her account to the credit of crime number 12 of 2024. He would submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail is that, the second accused, Silamparasan, who was working as Branch Team Leader in the defacto complainant's company, along



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with other Executives by furnishing false loan applications had cheated the company to the tune of Rs.1,11,20,000/-. As far as this petitioner/A-5 is concerned, who is an Executive in the company had transferred an amount of Rs.6,00,000/- to the account of the second petitioner/A-12, who is none other his mother. He would further submit that custodial interrogation of the petitioners are very much required.

5. Learned counsel appearing for the intervenor/defacto complainant submitted that the accused who was employed in the company as Manager, Team Leader, Executives has conspired together and cheated the company to the tune of Rs.1,11,20,000/-. He would submit that the huge public money is involved and he vehemently objected for the grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts and the submissions, this court is not inclined to grant anticipatory bail to the first petitioner/A-5 and hence, the same is dismissed.

7. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police, the learned



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counsel for the intervenor/defacto complainant and perused the materials available on record, this court is inclined to grant anticipatory bail to the second petitioner/A-12 with certain conditions.

8. Accordingly, the second petitioner/A-12 is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court No-6, Salem**, on condition that the second petitioner/A-12 shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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] if the second petitioner/A-12 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the second petitioner/A-12 shall report before the respondent police everyday at 10.30 a.m., until further orders and shall deposit an amount of **Rs.6,00,000/- (Rupees Six Lakhs only)** to the credit of crime number 12 of 2024 within a period of four weeks from the date on which the order copy is made



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ready;

[c] the second petitioner/A-12 shall not tamper with evidence or witness either during investigation or trial;

[d] the second petitioner/A-12 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 second petitioner/A-12 in accordance with law as if the conditions have been imposed and the second petitioner/A-12 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 269 of B.N.S.

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A.D.JAGADISH CHANDIRA, J.

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