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Crl OP No.4367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4367 of 2025

1. N.Muthuselvam
2. E.Ajith Singh

... Petitioners

Versus

The State of Tamilnadu
Rep by Inspector of Police,
District Crime Branch,
Mayiladuthurai.
Crime No.01 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Cr.No.01 of 2025 on the file of the respondent police.

For petitioners : Mr.Rachana Shankar

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409, 420, 465, 467, 468, 120B IPC in Crime No.1 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are arrayed as



A2 and A4 that they were working as Loan Officers in Bank of India, Mayiladuthurai branch ; they had sanctioned jewel loans contrary to the standing operating procedure issued by the Bank to various customers on the drafts of the certificates issued by A1, the Appraiser that the jewel loans pledged were genuine.

3. Learned counsel appearing for the petitioners would submit that being the petitioners as loan officers had no role to verify the genuiness of the jewels which was certified by A1 and that in any case, the custodial interrogation of the petitioners is not required. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that A1, the Appraiser had issued a certificate that the gold jewels pledged by the borrowers are genuine; that the petitioners though granted loan on the basis of certificates issued by A1 did not follow the standard operating procedure and opposed the grant anticipatory bail to the petitioners.

5. Admittedly, the first accused who is no more has certified that the

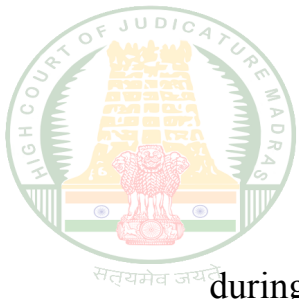


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jewels pledged by the borrowers are genuine. There is nothing on record as on date to suggest that the petitioners had knowledge of the false report given by the appraiser and had sanctioned loan. In any case it is for the prosecution to establish in the trial that the petitioners are involved in the offence. Hence, this Court is of the view that the custodial interrogation of the petitioners is not required and is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 is made ready, before the ***Judicial Magistrate-II, Mayiladuthurai***, on condition that the each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;



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[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

[d] 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 are 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]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

19.02.2025

Vv

To

1. The Judicial Magistrate-II,
Mayiladuthurai
2. The Inspector of Police,
District Crime Branch,
Mayiladuthurai.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.

Vv



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