Crl.O.P.No.13604 of 2015

R.SUBBIAH, J.

The petitioner, who was arrested on 10.06.2015 for the alleged offences punishable under Sections 420, 120B r/w 468, 471 IPC and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, in Crime No.R.C.49(A) of 2014 on the file of the respondent-Police, seeks the relief of bail.

2.The petitioner herein has been arrayed as 2nd accused in this case. The petitioner herein/A2 is the Managing Partner of M/s. I Way Net Tech, Chennai. The 1st accused- Paul D.Prabhakar is the Branch Manager of State Bank of Travancore, Besant Nagar Branch, Chennai. The case of the prosecution is that the petitioner herein was having banking transaction with Canara Bank, Saidapet Branch, Chennai since 14.03.2006 and he enjoyed various credit facilities. During the Month of March-2013, the petitioner/A2 approached the State Bank of Travancore, Besant Nagar, Chennai, to take over the account held at Canara Bank, for which the Firm had requested State Bank of Travancore to sanction Rs.13.33 Crores and the same was declined by State Bank of Travancore, Head Office, Thiruvananthapuram. Again the petitioner/accused approached the State Bank of Travancore, Besant Nagar Branch, Chennai and submitted an application for taking over working capital limit of Rs.5.25 crores in June-2013 from Canara Bank. On 01.06.2013, the firm was having a total outstanding amount of Rs.5.49

crores in Canara Bank, Saidapet Branch, Chennai. The 1st accused Paul D.Prabhakar, the then Branch Manager recommended the proposal of the firm to the Credit Cell of Zonal Office (ZOCC) of State Bank of Tranvancore, Chennai. ZOCC sanctioned the facility with enhancement to Rs.8.00 crores on 25.06.2013 with the condition that Branch has to confirm compliance of all the terms and conditions. The loan was disbursed by the 1st accused on 01.07.2013 by way of pay order for an amount of Rs.4.50 crores, towards the liabilities of the borrowers to Canara Bank, Saidapet Branch. On 18.12.2013, the firm had requested an adhoc limit of Rs.50 lakhs for two months, which was also sanctioned by ZOCC to meet the cost escalation of Diesel and this amount was also not repaid on due date. The firm had not repaid the loan and also the adhoc limit on the due date and the account was classified as Non Performing Assets (NPA) on 29.06.2014. Therefore, the Bank put into loss of Rs.8.47 Crores plus interest up to the date of NPA. Subsequently, it was found that the petitioner/A2 had produced false/fabricated documents before the Bank pertaining to the financial year 2013-2014. As on 30.09.2012, the outstanding amount is Rs.5,29,90,152.39/-. Since the petitioner/A2 has produced false/fabricated documents, the present complaint has been lodged.

3.The learned counsel for the petitioner/A2 submitted that this is purely a civil transaction and this is a false case foisted against the petitioner; further, the Bank had already initiated proceedings under SARFAESI Act. The learned counsel for the petitioner/A2 would also submit that it is a case were custodial interrogation of the petitioner/A2w is not necessary. Thus, he prayed for grant of the relief of bail.

4. I have heard the learned Government Advocate (Crl. Side) also.

5.Considering the facts and circumstances of the case and the nature of offence, I am of the opinion that bail could be granted to the petitioner by imposing certain conditions. Accordingly, the petitioner is directed to be released on bail on executing 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 XI Additional City Civil and Sessions Judge for CBI Cases and on further condition that the petitioner shall report before the respondent-Police daily at 10.30 am., until further orders.

09.06.2015

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R.SUBBIAH, J.

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