Crl.OP No.2031 of 2015
& MP. No.1 of 2015

P.N.PRAKASH, J.

The petitioners have come forward with this petition seeking to enlarge them on bail in the event of arrest, for the alleged offences under Sections 120-B, 419, 420, 465, 468 and 471 IPC registered in Crime No.348/2014, on the file of the respondent/police.

2. This is second anticipatory bail filed by the petitioners. The earlier petition in Crl.O.P.Nos.18603, 18604, 18605 and 18607/2014 was dismissed by this Court on 29.10.2014.

3. On a reading of the complaint, it is seen that these petitioners have created fake documents and applied for car loan and machinery loans from Vijaya Bank, Egmore Branch. The loan applications were favourably processed by the Bank.

4. The respondent/police have filed a detailed counter affidavit objecting to the grant of anticipatory bail to the petitioners. The relevant paragraphs read as follows :-

> *"4.It is submitted that it has been complained that the petitioner/ accused N.Prabhu who is the proprietor of M/s.S.B.Printers approached Vijaya Bank, Virugambakkam Branch and applied for loan for purchase of machinery, the Bank considered the proposal and remitted loan proceeds to the Bank account of the purported supplier of machinery*

maintained at State Bank of Mysore, Thanikachalam Road Branch, T.Nagar, Chennai, in the name of M/s.Om Sai Saraswathy Blue Metal. It has been alleged that the petitioner/ accused Prabhu has fraudulently misappropriate the funds without purchasing machinery and thus cheated the Bank. It has been reported that Rs.18,00,000/- was sanctioned as loan and Rs.15,70,235/- is the balance outstanding in the loan account.

5. It is submitted that it has been further complained that the petitioner/ accused Ashwini (wife of petitioner/ accused N.Prabhu) who as the proprietris of M/s.Mega International approached Vijaya Bank, Virugambakkam Branch and applied for loan for purchase of machinery for which the petitioner/ accused C.Sasikala has stood as guarantor for the loan, the Bank considered the proposal and remitted loan proceeds to the Bank account of the purported supplier of machinery maintained at State Bank of Mysore, Thanikachalam Road Branch, T.Nagar, Chennai, in the name of M/s.Om Sai Saraswathy Blue Metal. It has been alleged that the petitioner/ accused Ashwini has fraudulently misappropriated the funds without purchasing machinery and thus cheated the Bank. It is reported that Rs.20,00,000/- was sanctioned as loan and Rs.15,10,523/- is the balance outstanding in the loan account.

The Complainant has further alleged that the petitioner/ accused Ashwini had approached the same branch for loan to purchase new Maruthi Swift Car also and produced a proforma invoice from the car *dealer M/s.Indus Motors. Bank considered the proposal and sanctioned the loan and accordingly, issued a demand draft in the name of the car dealer M/s.Indus Motors. It is alleged that the borrower Ms.Ashiwini (petitioner herein/ accused) and her associates has fraudulently opened a fake account by name "M/s.Indus Motors" with Tamil Nadu Mercantile Bank, Maduravoya Branch, Chennai and realized the demand draft instead of purchasing the car. It is reported that Rs.5,30,000/- was sanctioned as loan and a balance of Rs.1,97,433/- is outstanding in this car loan account."*

5. The learned Counsel for the petitioners would submit that the involvement of the 1st petitioner was only in respect of Rs.18 lakhs and not otherwise. It is seen that the 1st petitioner had recommended for the loans for all the other accused, and also for his wife and sister. The allegations against the Co-accused Sasikala is very serious.

5. In such circumstances, considering the serious nature of allegations, this Court is not inclined to grant Anticipatory Bail and this petition is dismissed.

09.06.2015

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