HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2054 of 2015

ORDER:

The petitioner, who is accused No.1, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.108 of 2014 of Kadapa I Town Police Station, Kadapa District, registered for the offences punishable under Sections 468, 472, 409 and 420 IPC.

The case of the prosecution is that the Branch Manager, State Bank of India, Kadapa Main Branch lodged a report stating that prior to 11.04.2014 the petitioner approached the State Bank of India, Main Branch, Kadapa, to purchase an Innova Car and pleaded for sanction of a loan of Rs.8.00 lakhs. The petitioner was given personal loan segment application form and also enlightened the borrower the procedure adopted by the bank in sanctioning loan by producing Pan Card, Election Identity Card, Loan-cum-Hypothecation Agreement between bank and individual, quotation and other KYC papers as per bank norms. The bank authorities scrutinized the papers submitted by the petitioner and accordingly loan of Rs.8.00 lakhs was sanctioned. Since the applicant wanted to purchase the car from Harsha Toyota Automotive Private Limited, Nellore, the bank after appraising the loan documents and after obtaining necessary documents issued demand draft bearing No. 794441 dated 06.01.2011 in favour of Harsha Automotives Private Limited, Nellore, payable at Nellore Branch for Rs.8.00 lakhs. The petitioner submitted From-20, 21, 22 tax receipts and temporary registration form and tax invoices evidencing purchase of the vehicle. The vehicle was kept under hypothecation with State Bank of India, Main Branch, Kadapa. Subsequently, the bank authorities came to know that the petitioner is alleged to have paid instalments upto August, 2013 and thereafter became a defaulter. Though legal notices were issued, the account could not be regularized. The bank authorities enquired into the matter and came to know that no such vehicle was purchased by the petitioner and the D.D. issued infavour of M/s. Harsha Toyota Automotive Private Limited was encashed by opening an account in the name of Harsha Automotives Private Limited. The documents submitted by the petitioner when verified with RTA authorities revealed that the same were forged and fabricated. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the petitioner is a student and he has been lured in to the said transaction by one Chanda Hari Babu and that the petitioner is a victim of fraud played by Hari Babu.

Learned Public Prosecutor opposed the application.

A perusal of the First Information Report and Case Diary would show that the documents submitted by the petitioner such as Form No.20, 21 and 22, temporary registration form and tax invoice are all forged and fabricated. In fact no vehicle was purchased by the petitioner. Similarly the demand draft which was said to have been issued infavour of Harsha Toyota Automotive Private Limited was encashed by opening an account in the name of Harsha Toyota. The petitioner appears to be a main conspirator in the commission of offence. It may be true that the petitioner is a student, but at the same time having regard to the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed, leaving it open to the petitioner to surrender before the Court concerned and move an application for bail before an appropriate Court after giving prior notice to the public prosecutor concerned, in which event the same shall be dealt with in accordance with law either on the same day or at the earliest.

JUSTICE C. PRAVEEN KUMAR

18.03.2015

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