IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9087 of 2020

Rajeswari
D/o Sundararaman,
G-3, Johnson Apartments,
Dr. Subbaroyan Nagar, 4th Street,
Kodambakkam, Chennai 600 024. ... Petitioner

Vs.

State Rep. By its
Inspector of Police,
CCB Police, Team XII,
Chennai – 7. ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.76 of 2020 on the file of the respondent police.

For Petitioner : Mr.A. IlayaPerumal
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 420, 465, 467, 468, 471 of I.P.C in Crime No.76 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons have cheated the defacto complainant's bank to the tune of 2.14 crore by availing loan to purchase vehicles. Thereafter, they did not utilise the amount which was disbursed by the defacto complainant's bank to purchase the vehicle. Insofar as the petitioner is concerned, she received a sum of Rs.15,00,000/- from the defacto complainant's bank for the purchase of vehicles and she produced false documents to show that the loan amount was utilised for purchase of vehicles. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner's name was wrongly entered by the other accused persons. However, the petitioner has repaid the loan amount of Rs.5,79,497/- and

she is also ready to deposit a sum of Rs.2,50,000/- to prove her bonafide. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the accused persons cheated the defacto complainant's bank to the tune of Rs.2,14,00,000/- by availing loan to purchase the vehicles. Thereafter, they did not utilise the amount which was disbursed by the defacto complainant's bank. Insofar as the petitioner is concerned she availed loan amount to the tune of Rs.15,00,000/- and she produced false and fabricated documents to show that she has purchased the vehicle by utilising the loan amount received by her. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner herein has arrayed as A6 and she along with other accused persons have availed loan to the tune of 2.14 crore from the defacto complainant and did not use the loan amount to purchase the vehicle. Further they have produced fabricated documents as they have utilised the loan amount to purchase the vehicle. However,

the petitioner repaid a sum of Rs.5,79,497/- and she is now ready and willing to deposit a sum of Rs.2,50,000/- to prove her bonafide.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/-(Rupees Five Lakhs Only) to the credit of defacto complainant's Loan Account within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Special Court of CCB and CBCID Cases Court, Chennai, on condition that the petitioner shall execute 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 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] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs.5,00,000/- to the credit of defacto complainant's Loan Account within a period of four weeks.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner/s in accordance with law as if the conditions have been imposed and the petitioner/s 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/s, a fresh FIR can be registered under Section 229A IPC.

26.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
smn

To

1. The Inspector of Police,
CCB Police, Team XII,
Chennai – 7.

2. The Special Court of CCB and CBCID Cases,
Court, Chennai.

3. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J

smn

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