IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2020

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11796 of 2020

B.Balavijay ... Petitioner

Vs.

State rep.by
The Inspector of Police,
Central Crime Branch I
Bank Fraud Prevention Wing,
Chennai-600 007.
Crime No.128 of 2020 ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.128 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120b, 420, 465, 467, 468 of IPC, in Crime No.128 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant / the Manager of Bank of India, Nungambakkam Branch, is that the petitioner approached the bank for loan for the purchase of car and the bank had also sanctioned loan to purchase a highend luxury car, thereafter, the Bank came to know that the petitioner had obtained the loan of Rs.1,27,50,000/- on 17.11.2017, by furnishing fabricated documents Thereafter, instead of buying the car from Tamil Nadu, the accused had purchased the same from Kerala and avoided getting the endorsement in the registration certificate and thereafter, without the knowledge of the bank had sold the vehicle to one M.K.Siraj and thereby cheated the bank to the tune of Rs.1,27,50,000/-.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner by furnishing fabricated documents, obtained a vehicle loan from the bank and sold the vehicle to the 3rd party without the knowledge of the Bank and thereby cheated the bank to the tune of Rs.1,27,50,000/- on 17.11.2017.

5. In view of the fact that the petitioner had by submitting fabricated documents obtained vehicle loan and thereafter, had sold the vehicle without the knowledge of the Bank and cheated the Bank and had not repaid the loan paid by the Bank viz. The Bank of India, Nungambakkam Branch, this Court is not inclined to grant anticipatory bail to the petitioner.

6. This Criminal Original Petition stands dismissed accordingly.

-sd/-
09/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
BANK FRAUD PREVENTION WING,
CHENNAI 600 007

CC to M/S.K.G.SENTHIL KUMAR Advocate on payment of necessary charges

CRL OP.11796/2020

Date :09/09/2020

MK:22/09/2020