

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2179 of 2021

M.CHELLAIAH

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

CBI,ACB, CHENNAI.

RC NO.29(A)/2020/CBI/ACB/CHENNAI.

For Petitioner : M/S.V.SAMBAMURTHY Advocate

For Respondent : MR.K.SRINIVASAN, Special Public Prosecutor for
CBI-cases

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120B, 420, 409 of I.P.C and section 13(b) r/w 13(1) (a) of PC act, 1988 as amended in 2018 in RC No.29(A)/2020/CBI/ACB/Chennai, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the Bank Manager entered into a criminal conspiracy and cheated the Bank funds to the tune of Rs. 1.34 Crores. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that they agree with the fact that some unwanted transactions were reflected in the petitioner's account and he has intimated the same to the Bank Manager. He further submits that the petitioner without prejudice to his defence and contentions, in order to show his bona fide, on his own volition, is ready and willing to deposit a 1.34 crores to the credit of above crime number and, prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner and the Bank Manager entered into a criminal conspiracy and cheated the Bank funds to the tune of Rs. 1.34 Crores. The value involved being very substantial, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the submission made by the learned counsel on either side and further considering the fact that the petitioner, on his own volition, is ready and willing to deposit a considerable amount, to be ordered by this Court to the credit of the above crime number, this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.1.34 Crores to the credit of the crime number, which is subject matter of the present petition, within a period of eight weeks from the date on which the order copy is made ready** and on such payment being made, the petitioner shall be released on bail in the event of arrest or on their surrender before **the XI Additional Special Judge for (CBI) Cases, Singaravelan Maligai, Chennai 600 001** and on further 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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.1.34 Crores to the credit of Crime Number which is the subject matter of the present petition. Thereafter the learned Special Judge shall transfer the said amount to the Defacto Complainant's Bank.**

(c) the final order in respect of the said deposit shall be decided by the learned trial judge at the conclusion of the trial.

(d) the petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

08/04/2021

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 XI ADDITIONAL SPECIAL JUDGE FOR (CBI)
CASES, SINGARAVELAN MALIGAI, CHENNAI 600 001

2 THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CBI,ACB, CHENNAI.

+1 CC to M/S.V.SAMBAMURTHY Advocate on payment of necessary
charges SR.NO.4595

CRL OP.2179/2021

Date :08/04/2021

TA-21/04/2021

सत्यमेव जयते

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