



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4210 of 2021

S.Sivakumar

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
CCB-I, Chennai.  
(Crime No.170 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.170 of 2020 on the file of respondent police.

For Petitioner : Mr.Swarnam J. Rajagopalan

For Respondent : Mrs.M. Prabavathi,  
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.12.2020 for the offence punishable under Sections 420, 465, 467, 468 and 471 of I.P.C., in Crime No.170 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner has availed housing loan to the tune of Rs.37 lakhs from the defacto complainant bank after furnishing proper security. Thereafter, it is found that using the loan amount, the petitioner has purchased another property and let out to some third parties. Alleging that, he has cheated the bank, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 18.12.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner has availed housing loan after furnishing proper security and he has also regularly paying E.M.I. except in the Covid-19 period. He would submit that thereafter, due to some financial constraint, he is not able to pay the same. Due to the same, now the present complaint has been filed as if the petitioner has misused the loan and purchased another property. He would submit that the petitioner is in jail for more than three months and the investigation is almost completed. Hence, he prayed to grant bail to the petitioner.



5. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the petitioner after receiving loan amount, he has misused the same and purchased some other property. Hence, a criminal case has been registered against the petitioner and he was arrested on 18.12.2020. She would submit that the investigation is almost completed. However, she opposed to grant bail to the petitioner.

6. Taking into consideration of the fact that, the petitioner has obtained loan after furnishing sufficient sureties, and he said to be regularly paying the E.M.I. The allegation against the petitioner is that he has purchased another property by using loan, the investigation is almost over, and also considering the fact that the period of incarceration suffered by the petitioner from 18.12.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned CCB Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c ) the petitioner, after his release from prison, report before the respondent police as and when required for interrogation;

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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



6. With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-sd/-

04/03/2021

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 CCB METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CCB-I, CHENNAI.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL,  
CHENNAI

CC to M/S.SWARNAM J. RAJAGOPALAN Advocate on payment of  
necessary charges SR.2743

CRL OP.4210/2021

Date :04/03/2021

RVR 05/03/2021