

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

Coram

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Crl.O.P.No.9158 of 2021

1.Krishna Mohan
2.Varadha Babu

... Petitioners

Versus

State Rep. by
The Inspector of Police,
Team XXXI,
Central Crime Branch,
Chennai.

... Respondent

Criminal Original Petition is filed under Section 438 of Cr.P.C praying to grant anticipatory bail for the petitioners in the event of arrest by the respondent Police in Crime No.135 of 2020, on the file of the respondent Police.

For Petitioners : Mr.V.Raghavachari
for Mr.G.Mohana Krishnan
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 465, 467, 468 and 471 of IPC, in Crime No.135 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a Scheduled Commercial Bank Incorporated under the provisions of Companies Act, having branch at various places. The petitioners herein have availed loan from the bank by producing false and fabricated documents, besides they failed to repay the amount, hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as the second and third accused, they are innocent and they have not committed any offence as alleged by the prosecution. He would submit that the petitioners are the partners of M/s.Pawan Integrated Solutions and they availed Cash Credit facility in the firm. He would further submit that the main accused one Ramesh was arrested and thereafter, he was released on bail by this Court order dated 05.05.2021 in CrI.OP.No.8518 of 2021. It is also stated that for recovering the loan amount, the Bank has already initiated proceedings under the SARFAESI Act before the Debts Recovery Tribunal and therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.side) appearing for the respondent/police would submit that the petitioners have embezzled the Bank money by providing fabricated documents and no due certificate from the Chartered Accountant for availing Cash Credit. Since the offence is serious in nature and the amount cheated by the petitioners/accused is also very huge amount to the tune of Rs.4 Crores, he vehemently opposed for granting anticipatory bail to the petitioners.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, CCB and CBCID Court, Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, 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 conditions 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 petitioners shall report before the respondent police, every day daily at 10.30 a.m., for a period of thirty days (30 days), and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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

-sd/-
13/05/2021

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 AND CBCID COURT,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TEAM XXXI, CENTRAL CRIME BRANCH,
CHENNAI.

+1 CC to M/S G.MOHANA KRISHNAN Advocate on payment of necessary charges SR.No.6148

WEB COPY

CRL OP.9158/2021

Date :13/05/2021

cs 27/05/2021