

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.10132 of 2021

1. Anaiyaraja
2. Bijesh
3. Krishna Mohan

... Petitioners

Vs.

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

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest by the respondent police concerned in Crime No.134 of 2020 on the file of the respondent.

For Petitioners : Mr.V.Raghavachari, Senior counsel
For Mr.G.Mohana Krishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120B, 420, 465, 467, 468, 471 of IPC. in Crime No.134 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st and 2nd petitioners are partners of the M/s Swastik Associates and 3rd petitioner was a Guarantor for M/s.Swastik Associates, The 1st and 2nd petitioners joined together and obtained a loan of Rs.4.60 Crores, i.e., Case credit of Rs.2 Crores and term loan of Rs.2.60 Crores from the Federal Bank/defacto complainant by production of forged documents. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that co-accused has already been arrested and thereafter he was released on bail by this Court in Crl.O.P.No.8521 of 2021 dated 05.05.2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the 1st and 2nd petitioners joined together and obtained a loan of Rs.4.60 Crores, i.e., Case credit of Rs.2 Crores and term loan of Rs.2.60 Crores from the Federal Bank/defacto complainant by production of forged documents. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the co-accused has already been released on bail by this Court and there is no previous case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the CCB and CBCID Court, Egmore, on condition that each of 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 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 Court concerned 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 daily at 10.30 a.m. until further orders.

(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 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;

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

-sd/-

14/06/2021

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.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. G.MOHANA KRISHNAN Advocate on payment of necessary charges

CRL OP.10132/2021

Date :14/06/2021

cs 29/06/2021