



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.Nos.12517 & 12575 of 2021

K.M.Maari Selvam

...Petitioner in both petitions

Versus

State Rep. by
The Inspector of Police,
Central Crime Branch II,
Vepery,
Chennai 600 007.
(Cr.No.Not known of 2021)

...Respondent in both petitions

COMMON PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime Nos.not known of 2021 on the file of the respondent Police.

For Petitioner in both petitions : Mr.M.Madhuprakash

For Respondent in both petitions : Mr.C.E.Pratap
Government Advocate (Crl. side)

C O M M O N O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 120B, 420, 465, 468, 471 IPC in Cr.No.Not known of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Assistant General Manager of the State Bank of India. It is alleged that the petitioner had obtained financial assistance from the Bank by submitting bogus Income Tax returns and failed to discharge his dues and the loan obtained by the petitioner was taken as 'Non Performing Assets' in the books of account of the Bank and SARFAESI proceedings has also been initiated. Hence the case was lodged against the accused persons.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that there were several transactions between the petitioner and Bank by producing fake Income Tax returns, for which the Debts Recovery Tribunal has initiated proceedings under SARFAESI Act.

WEB COPY

5. Considering the facts that for the allegations leveled against the petitioner, SARFAESI proceedings were initiated and the same is adjudicated before the competent Forum, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Tambaram, on 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 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 shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(d)the petitioner 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 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;

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

-sd/-

28/07/2021

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.



1 THE JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-II,
VEPAERY, CHENNAI - 600007

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+4 CC to M/S M.MADHUPRAKASH Advocate on payment of necessary
charges SR.NO.7819, 7820.

CRL OP.12517 & 12575/2021

Date :28/07/2021

RW 06/08/2021