IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16797 of 2021

RAJESH JEEVANANDHAM [PETITIONER / ACCUSED]

Vs

1 THE STATE REP BY [1st RESPONDENT / COMPLAINANT]
THE DEPUTY SUPERINTENDENT OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUPTION BRANCH,
CHENNAI-600 006
RC0322020A0019/ACB/CHENNAI

2 SHRI.M.RAVISHANKAR, [2nd RESPONDENTS / DE FACTO COMPLAINANT]
CHIEF MANAGER,
PUNJAB NATIONAL BANK, CIRCLE,
SHASTRA CENTRE, CHENNAI SOUTH,
PNB TOWERS, ROYAPETTAH HIGH ROAD,
CHENNAI-600 014

For Petitioner : M/S.ABHINAV PARTHASARATHY, ADVOCATE

For Respondent : MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B) & 120 of I.P.C r/w section 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988 in RC0322020A19/ACB/Chennai, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein availed cash credit facility to the tune of Rs.12,21,40,311.60/- with a dishonest intention to cheat the bank and did not repay the same which caused a wrongful loss to the bank. Hence the complaint was lodged against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that due to non payment of loans availed by the petitioner, the bank has already initiated proceedings before the Debts Recovery Tribunal, Chennai. Once again, in order to harass the petitioner, the complainant has lodged a criminal complaint. When the civil proceeding is pending before the Tribunal, filing of complaint for the very same cause of action, is not sustainable. Hence he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and the petitioner's address mentioned in the FIR itself is wrong which was provided by the petitioner at the time of availing loan. Since huge amount was cheated by the petitioner which caused a wrongful loss to the bank, definitely there is an element of criminality and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, it is alleged that the petitioner with an intention to defraud the bank has cheated huge sum of money and failed to repay the same and investigation is also pending in this case. Further merely because proceedings have been initiated before DRT, it cannot be claimed that criminal prosecution cannot be initiated. Taking into consideration the quantum of amount involved coupled with the intention of the petitioner, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the petition seeking anticipatory bail is dismissed.

-sd/-
15/09/2021

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 DEPUTY SUPERINTENDENT OF POLICE,
CENTRAL BUREAU OF INVESTIGATION,
ANTI CORRUPTION BRANCH, CHENNAI-600 006

2 MR.K.SRINIVASAN
SPECIAL PUBLIC PROSECUTOR FOR CBI CASES

+1 CC to M/S.ABHINAV PARTHASARATHY Advocate on payment of necessary charges SR.NO.10200

CRL OP.16797/2021

Date :15/09/2021

JPA 11/10/2021