IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18566 of 2021

MOHAMMED IQBAL [PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE
CITY CRIME BRANCH-I,
BANK FRAUD INVESTIGATION, TEAM-XII,
VEPERY, CHENNAI-600 007
CR NO.140/2021.

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A4, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 409, 420, 465, 467, 468 & 471 of I.P.C. in Cr.No.140 of 2021, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner was doing Real Estate Mediator Business and he had business dealings with A-2 and A-3 and with the connivance of A-1, who was working in the HR field with a private company had sourced the personal information of many employees, who were approached for providing personal loan. It is the further case of the prosecution that on the petitioner referring A-2 and A-3 to approach the defacto complainant, A-2 and A-3 had approached the defacto complainant and had taken the KYC details and processed loan to the tune of Rs.15 lakhs through A-1, but only a sum of Rs.8 Lakhs was sanctioned as loan. Since the KYC details of the defacto complainant was fraudulently used, the present complaint has been lodged against the petitioner and other accused.

3. Learned counsel appearing for the petitioner submits that the petitioner is in no way connected with the case and that he has been falsely implicated in this case. It is the further submission of the learned counsel that even the FIR does not reflect criminal

conspiracy of the petitioner with any of the accused and that the petitioner is an innocent person and he has been wrongly roped into this case. It is the further submission of the learned counsel for the petitioner that the petitioner only acted as mediator to such parties, who were in need of loan and was in no way connected with obtaining loan from the bank. It is the further submission of the learned counsel for the petitioner that the amount, which was taken as loan from the bank, had been repaid by the accused. Accordingly, he prays for grant of anticipatory bail.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner, along with other accused, have connived and conspired together to cheat innocent people by obtaining their KYC details and obtaining loan under their name. It is further submitted tht the defacto complainant had not sought for any loan, but using the KYC documents of the defacto complainant, the accused have colluded together to obtain the loan. It is further submitted that investigation is still pending and granting anticipatory bail to the petitioner would cause detriment to the investigation as there is every possibility of the petitioner tampering with the evidence and the witnesses. A notarized undertaking affidavit evidencing the culpability of the petitioner is also filed by the respondent. Therefore, he opposed grant of anticipatory bail to the petitioner.

5. Considering the fact that investigation is still pending in the case and taking into account the noterized undertaking given by the petitioner in which the petitioner has accepted that he has acted as a mediator for persons by referring them to the other accused for the purpose of loan and the KYC obtained from persons were utilised for the purpose of obtaining loan without their knowledge and the money, which was taken as loan by misusing the said KYC obtained from such persons and considering the gravity of the offence and the amount involved, this Court is not inclined to grant anticipatory bail to the petitioner as otherwise it would cause grave detriment to the progress of investigation.

6. For the reasons aforesaid, this petition for anticipatory bail is dismissed.

-sd/-
05/10/2021

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 INSPECTOR OF POLICE
CITY CRIME BRANCH-I,
BANK FRAUD INVESTIGATION, TEAM-XII,
VEPERY, CHENNAI-600 007

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.11039

CRL OP.18566/2021

Date :05/10/2021

TA-26/10/2021