

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.19933 of 2020

P.Krishnan

... Petitioner

-Versus-

The State Rep. by
Inspector of Police,
CCIW CID, Chennai.
[Crime No.1 of 2020]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.V.Paarthiban

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.1 of 2020 on the file of the respondent police for the alleged offences punishable under Sections 465 and 466 of IPC, is before this court seeking anticipatory bail.

2. There are totally 21 accused and the petitioner has been arrayed as A9. He was working as Additional Director of THAICO bank. The case of the prosecution is that the society sanctioned loan to various persons for the purchase of autorickshaw but, few of them had failed to repay the loan. The allegation against the petitioner is that he failed to take possession of the hypothecated vehicle when the loanee committed default in repayment so as to re-allot the same to the other eligible members.

3. The learned counsel for the petitioner would submit that the petitioner was in service of THAICO Bank from 06.07.2011 to 31.05.2016 and the loans were sanctioned much prior to his service. There is no allegation of misappropriation. The only accusation is that the petitioner did not take action for taking possession of the hypothecated vehicles when the loanee committed default in the repayment of loan and reallot the same to the eligible members. According to the learned counsel, all other accused had been granted

4. The learned Additional Public Prosecutor would strongly oppose the granting of anticipatory bail. He would, however, submit that the co-accused have been granted bail.

5. Considering the fact that the petitioner was working as Additional Director in THAICO Bank and there is no allegation of misappropriation and all other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 XI Metropolitan Magistrate, Saidapet, Chennai, on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 condition that:

[b] 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.

[c] the petitioner shall make himself available for interrogation as and when required by the police.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
18/02/2021

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 METROPOLITAN MAGISTRATE NO.XI,
SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCIW CID, CHENNAI

+1CC to V.PAARTHIBAN Advocate on payment of necessary charges
SR NO.1867

CRL OP.19933/2020

Date :18/02/2021

MK:25/02/2021

WEB COPY