

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20681 of 2020

SHANMUGA SUNDARAM

[PETITIONER / ACCUSED]

Vs

1 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI.
CR.NO.302 OF 2020.

[RESPONDENT]

2 V.ELUMALAI

For Petitioner : M/S.P.VISHNU Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrests at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 r/w. Section 34 and 109 IPC in Crime No.302 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally three accused involved in this case and the petitioner is arrayed as A3. The defacto complainant is the owner of the alleged property and he approached A1 for arrangement of loan and A2, who is the friend of complainant, is also in need of money. Therefore, the complainant suggested that A2 applied for loan through bank for which the complainant is willing to provide his property as collateral security and they obtained Rs.80 lakhs in which, the complainant took Rs.30 lakhs and the remaining amount was shared by A1 and A2. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is in no way connected with the alleged offence and he is neither a party nor a beneficiary of the bank loan. Subsequently, DRT proceedings were initiated by the bank and subsequently, the property was sold to the third party. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the accused A1 to A3 taken a loan from the bank and subsequently they have not cleared the loan amount and totally a sum of Rs.1.40 crores caused loss to the bank and thereby cheated. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the gravity of the offence committed by the petitioner and that the huge amount is involved in this case and that the investigation of the case is still underway, this Court is of the opinion that it would not be justifiable to grant anticipatory bail to the petitioner at this point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

-sd/-

16/04/2021

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
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.VISHNU Advocate on payment of necessary charges

CRL OP.20681/2020

Date :16/04/2021

TA-22/04/2021

WEB COPY