



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18923 of 2021

ANTHONY SELVA SATHISH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CCB-II POLICE STATION,
CHENNAI CCB DISTRICT.
(CRIME NO.45/2021)

[RESPONDENT]

For Petitioner : M/S.S.SANTOSH Advocate

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

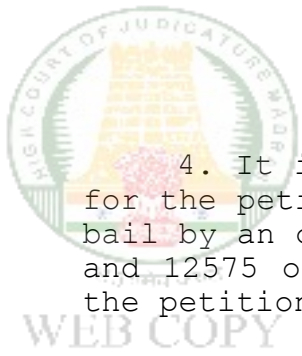
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120b, 420, 467, 468 and 471 IPC in Cr.No.45 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 Mrs.Shyamala Devi, has availed a Housing Loan with the defacto complainant for Rs.75 lakhs for purchasing a property. Afterwards, A1 has not repaid the loan EMI's properly and committed default. On verification, it was found that the documents submitted by A1 while availing the loan was fabricated and Hence the case was registered.

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. The allegation against the petitioner is that he had introduced A1 to the Bank Manager. The petitioner has only received promotional referrals which he had received through referral advertisement stating that he would receive benefits and other privileges from the bank for referrals. He is not even remotely connected to any offence and he has just made reference. The entire allegations in the FIR was lodged against A1, who colluded with the Bank Manager involved in illegal activities.



4. It is the further submission of the learned counsel appearing for the petitioner that co-accused / A1 had been granted anticipatory bail by an order of this Court dated 28.07.2021, in Crl.O.P.Nos.12517 and 12575 of 2021 and hence prays for grant of anticipatory bail to the petitioner also.

5. The learned Government Advocate (Crl.Side) did not dispute the fact of granting anticipatory bail to the co-accused and he further submitted that initially, the petitioner was not named in the FIR. Thereafter, he is arrayed as A5 and the investigation is pending in the case.

6. Considering the facts and circumstance of the case that the entire allegation in the FIR is made only against A1, who also granted anticipatory bail by this Court on 28.07.2021, I am inclined to grant anticipatory bail to the petitioner .

7. 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 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police as and when required;

(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]**; and;



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

-sd/-

07/10/2021

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 JUDICIAL MAGISTRATE,
NO.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB-II POLICE STATION,
CHENNAI CCB DISTRICT.

+1 CC to M/S S.SANTOSH Advocate on payment of necessary charges
SR.NO.11209

CRL OP.18923/2021

Date :07/10/2021

TA-29/10/2021