



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25022 of 2021

N.Subbaiah

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
CCB,Team-XII, Vepery, Chennai.7
(Crime No.76 of 2020)

...Respondent

Common Prayer: Criminal Original Petitions have been filed under Section 438 of Code of Criminal Procedure, enlarge me on bail in the event of his arrest or surrender in Crime No.76 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Rajprabhu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(b), 420, 465, 467, 468 and 471 of IPC in Crime No.76 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally 18 accused in this case. The petitioner is arrayed as A15. The petitioner along with other accused persons approached the defacto complainant bank for loan to purchase cars. They submitted fabricated and false documents as well as security and received loan. As far as the petitioner is concerned, he received a sum of Rs.15,00,000/- and purchased vehicle and after receipt of the amount, the said amount was not utilized for purchasing cars, thereby all the accused persons cheated the defacto complainant bank to the tune of Rs.2,14,01,000/-. Hence this complaint.

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



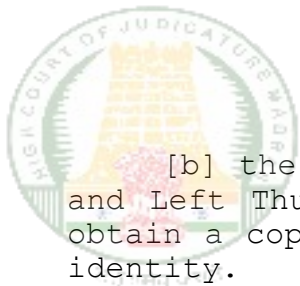
further submitted that co-accused had already been granted bail by this Court in CrI.O.P.No.7477 of 2020 dated 13.05.2020. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.5,00,000/- will be returned to him. He prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons submitted false and fabricated documents to the defacto complainant bank and obtained loan to the tune of Rs.2,14,01,000/-. In so far as the petitioner is concerned, he received a sum of Rs.15,00,000/- to purchase a car. He further submits that A1 to A16 joined together under the guise of purchase of car they produced fake documents and given to A17 and A18. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned CCB and CBCID Metropolitan Magistrate, Egmore, on condition that the petitioner shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Cr.No.76 of 2020 before the learned CCB and CBCID Metropolitan Magistrate, Egmore, within a period of two weeks from the date of receipt of a copy of this order . On such deposit being made, the learned CCB and CBCID Metropolitan Magistrate, Egmore, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.5,00,000/- deposited by the petitioner to the credit of Cr.No.76 of 2020 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;



[b] the petitioner and 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.

WEB COPY [c] the petitioner is directed to appear before respondent police on every Wednesday and Sunday at at 10.30 a.m. until further orders.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

21/12/2021

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 CCB AND CBCID METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CCB TEAM XII, VEPERY,
CHENNAI -7



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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CC to M/S R.RAJPRABHU Advocate on payment of necessary charges
Sr.15533

CRL OP.25022/2021

Date :21/12/2021

RVR 28/12/2021