



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.2961 of 2022

DINESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CBI, ACB, CHENNAI.

[RESPONDENT]

CRIME NO.RCO322020A0018 OF 2020

For Petitioner : M/S.ASWIN PRASANNA Advocate

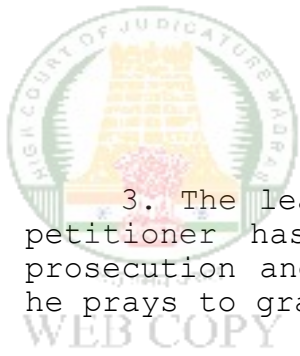
For Respondent : MR.K.SRINIVASAN, Special public Prosecutor
for CBI Cases

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 offence punishable under Sections 120(b) r/w 420 of IPC and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 in Crime No.RCO322020A0018 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the acts of M/s.R.M.Infrastructure, which was primarily engaged in road contractor service represented by its Sole Proprietor viz., Shri S.C.Dinesh, disclosed the commission of cognizable offence of cheating whereby it caused a wrongful loss to the Punjab National Bank, Mylapore Branch and corresponding wrongful gain to the tune of Rs.11.79 Crores to himself. Hence, an FIR has been registered against the petitioner, unknown public servants of Punjab National Bank and unknown private persons.



3. The learned counsel for the petitioner has submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. Mr.K.Srinivasan, learned Special Public Prosecutor for CBI cases has submitted that pursuant to the order passed by this Court on 11.03.2022, granting interim protection to the petitioner herein up to 16.03.2022 and with the direction to the petitioner to appear before the respondent police on summons, the summons was not served on the petitioner, since the petitioner was not residing in the place. However, the petitioner on his own has appeared before the respondent police on 15.03.2022 and 16.03.2022, but, no further progress could be reached in the investigation.

5. Considering the facts and circumstances of the case and the submissions made by both counsel, 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, within a period of seven days from the date of receipt of a copy of this order, before the learned XI Additional CBI Court, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(b) the petitioner and 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 Investigation Officer daily 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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/-
22/03/2022

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 XI ADDITIONAL CBI COURT
CHENNAI.

2 THE INSPECTOR OF POLICE,
CBI, ACB, CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

+1 CC to M/S.ASWIN PRASANNA Advocate on payment of necessary charges SR.NO.4289

CRL OP.2961/2022

Date :22/03/2022

JPA 28/03/2022