



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6338 of 2022

IN CRL.MP.NO.3985 of 2022

1 S.PALANIVEL [PETITIONERS / ACCUSED]
2 UMA

Vs

STATE REPBY [RESPONDENT]
THE INSPECTOR OF POLICE,
CCB-1, EDF II, TEAM III,
CHENNAI.
(CR.NO. 338 OF 2020)

S R.SAKTHIVEL [PETITIONER/INTERVENER/DEFACTO COMPLAINTANT
Ordered as per order of this court
dated 30/03/2022 made in CRL.MP.NO.3985/2022]

For Petitioner : M/S.R.SREERANGAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (CrI. Side)

For Intervenor : MR.U.SAIMANI, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehending arrest for the alleged offence under Sections 406, 420, 34 and 120(B) of I.P.C., in Crime No.338 of 2020, seeks anticipatory bail.

2. Based on the complaint given by Punjab National Bank alleging that, the petitioners have cheated the bank to a tune of Rs.2,19,68,200/- by giving a false promise that they will deposit the original title deed of the document which has already encumbered with Bajaj Finance Limited and Bharat Axa Life Insurance Company Limited. Believing the words, the loan of the petitioners in Bajaj Finance Limited was taken over by the Punjab National Bank and to a tune of Rs.2,19,68,200/- was advanced. However, in spite



of releasing the document from Bajaj Finance Limited and handover it to Punjab National Bank, the petitioners have fraudulently released the document and sold it to third party instead of depositing it to Punjab National Bank. However, the borrower agreement, this Court does not find any specific understanding by the petitioners herein to deposit the title deed of any particular property.

3. Be it as it may, now, the Learned Counsel for the petitioners state that, out of Rs.2,19,68,200/- loan, they have already repaid Rs.1.5 crores and ready to settle the balance amount, if there is any proposal for one time settlement from the petitioners.

4. The Learned Government Advocate (Crl.Side) for the respondent would submit that based on the complaint registered under Section 41(A) of Cr.P.C., notice was caused to the petitioner on 04.03.2022 and 11.03.2022 but petitioners have not turned up for enquiry. Taking into consideration of the above fact, this Court is of the view that, the petitioners shall cooperate with investigation and appear before the Investigating Officer from 06.04.2022, till the completion of the investigation. The respondent police will be able to complete the investigation and file final report. Meanwhile, if there is any possibility of settlement, the parties can work out their remedy.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Metropolitan Magistrate, CCB & CBCID case, Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakhs only), each 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 and on further condition that:

(a) the petitioners 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;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., from 06.04.2022, until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;



(e) 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 anticipatory 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;

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

-sd/-

30/03/2022

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 METROPOLITAN MAGISTRATE,
CCB & CBCID CASE, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CCB-1, EDF II, TEAM III,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. R.SREERANGAN Advocate on payment of necessary charges SR.No.4881

+1CC to M/S.SAI MANI Advocate on payment of necessary charges SR.No.4852

CRL OP.6338/2022

IN

CRL.MP.3985/2022

Date :30/03/2022

CSK 01/04/2022