



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.7889 of 2022

P.Vinoth

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Nedugadu Police Station,
Nedungadu,
Karaikkal
(Crime No.21 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.21 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Saikrishnan

For Respondent : Mr.V.Balamurugane
Public Prosecutor for Puducherry

O R D E R

The petitioner, who was arrested for the alleged offences under Sections 420, 468 and 471 of IPC read with Section 34 of IPC in Crime No.21 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested on 21.03.2022 based on the complaint given by Equitas Small Finance Bank Ltd. alleging that while availing the cash credit facility, this petitioner and the others have produced fake NOC from HPCL.

3. The case of the petitioner is that he is the dealer in petroleum product under HPCL and the land in which they are carrying the business belongs to them. For their business purpose, they borrowed money from the defacto complainant bank and they were regularly paying the due till the breakdown of epidemic. In view of



the default of the loan amount, the petitioner has already initiated SARFAESI proceedings and taken possession of the residential property of the petitioner and whileso, the criminal complaint has been lodged alleging that the fake NOC from HPCL was obtained to facilitate the bank to extend the loan.

4. Taking note of the fact that the loan was not sanctioned purely based on NOC given by HPCL but on the strength of the immovable property given as security and those property had already been attached and SARFAESI proceedings were initiated, the detention of the petitioner in further is not required. Hence, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) 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 Judicial Magistrate No.II, Karaikal;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the Investigating Officer as and when required.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

05/04/2022

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 JUDICIAL MAGISTRATE,
NO.II, KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NEDUGADU POLICE STATION,
NEDUNGADU, KARAIKKAL.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET,
PUDUCHERRY.

+1 CC to M/S. T.SAIKRISHNAN Advocate on payment of necessary
charges SR.NO. 5155

CRL OP.7889/2022

Date :05/04/2022

RW 05/04/2022