IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8734 of 2022

S.ANTONY MICHAEL SAARATH ..ACCUSED/PETITIONER

Vs

STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
CCB, TEAM XII, VEPERY,
CHENNAI-600 007.
CRIME NO.76/2020

For Petitioner : M/S.S.MAHIMAI RAJ Advocate

For Respondent : MR. S.SANTHOSH, 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 for the alleged offences under Sections 120B, 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 petitioner herein is the 16th accused in the complaint given by Zonal Manager of Punjab National Bank alleging that the accused persons inconievance with the management of Zulaikha Motors and Renault power car, who are arrayed as A-17 & 18, had furnished fake employment certificates, income returns and other documents with an intension to cheat the Bank and had availed vehicle lones for various amounts, totally to the tune of Rs.2,14,01,000/- and the accused persons, in turn, stood guarantee for the other borrowers and thereby, cheated the Bank by not purchasing the vehicle, but utilizing the money for other purpose.

3. As far as this petition is concerned, a sum of Rs.15,00,000/- was sanctioned for purchase of Mahindra XUV 500 vehicle, for which Zulaikha Motors/A-17 furnished an invoice dated 08.02.2017 for Rs.15,71,812/-. Based on the proforma invoice, the said sum was sanctioned and the petitioner has paid less than 3 Lakhs towards arrears and on the date of complaint, outstanding was Rs.30,31,975

when none of these borrowers, who are arrayed as A-1 to A-16 repaid their loans, the Bank sought for enforcement of the security and only then, they came to know about the conspiracy act by the petitioner and others that to cheat the Bank by fabricating documents and producing fake certificates.

4. The learned counsel for the petitioner submits that, some of the accused persons similarly placed, were granted bail on the condition to deposit a certain sum of money in the crime account and this petitioner is also ready to deposit a reasonable sum and workout his remedy before the Bank for settlement.

5. Considering the said submission, this Court is inclined to grant anticipatory bail to the petitioner.

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 CCB and CBCID Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs 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) the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of Crime No.76 of 2020 before the CCB and CBCID Metropolitan Magistrate, Egmore, Chennai on or before 13.05.2022. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the sum of Rs.10,00,000/- was deposited by the petitioner to the credit of Crime No.76 of 2020.

(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 not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall report before the Investigating Officer daily at 10.30.a.m., until further order;

(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 has 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/-
26/04/2022

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 CCB & CBCID METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

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

3 INSPECTOR OF POLICE,
CCB, TEAM XII, VEPERY,
CHENNAI-600 007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S.S.MAHIMAI RAJ Advocate on payment of necessary charges SR.6325

CRL OP.8734/2022

Date :26/04/2022

RVR 29/04/2022