



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.8323 of 2022

K.Balakrishnan

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Bank Fraud Investigation Wing, Team-31,
Central Crime Branch,
Egmore, Chennai
(Crime No.CCB.Cr.No.54/ 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.CCB.Cr.No.54/ 2022, on the file of the respondent Police.

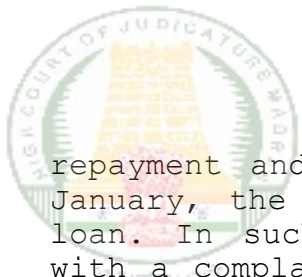
For Petitioner : Mr.K.Sakthivel

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested for the offences punishable under Sections 420, 465, 467, 468, 471 of IPC in Crime No.CCB.Cr.No.54/ 2022, on the file of the respondent police, seek bail.

2.The petitioner was arrested on 19.03.2022 for the alleged offences under sections 420, 465, 467, 468, 471 of IPC on a complaint given by HDFC Bank alleging that the petitioner availed a loan to the tune of Rs.60 lakhs by producing fake salary certificates and PF documents. However, the petitioner herein submits that the document produced to avail a loan of Rs.60 lakhs pertaining to the salary certificate and PF documents of the Company, in which, he was an employee at the time of availing the loan and he is regularly paying EMI without any default. During the month of December 2021, he joined another Company for better prospects. The defacto complainant offered top up loan of Rs.40 lakhs considering his prompt



repayment and was processing the request. Later, in the month of January, the petitioner refused and declined to take up the top up loan. In such circumstances, the defacto complainant has come out with a complaint as if he has produced false documents to avail the loan, which is factually not correct. Without proper investigation, the respondent police has arrested him on 19.03.2022. Therefore, the learned counsel for the petitioner would submit that the petitioner may be granted bail in view of the fact that the investigation is already completed and the final report filed.

3. Taking note of the developments and the averments made, this court is inclined to grant bail to the petitioner. 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction CCB & CBCID Metropolitan Magistrate, Egmore, Chennai-8.

(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 participate in the trial without fail.

(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/-

12/04/2022

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-8.

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

3 THE INSPECTOR OF POLICE
BANK FRAUD INVESTIGATION WING, TEAM-31
CENTRAL CRIME BRANCH,
EGMORE, CHENNAI.

4 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI.

5 THE SUPERINTENDENT,
PUZHAI PRISON.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.SAKTHIVEL Advocate on payment of necessary
charges SR.No.5567

CRL OP.8323/2022

Date :12/04/2022

CSK 13/04/2022