IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12396 of 2022

ABDUL GAFFOOR [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE, TEAM -XII,
BANK FRAUD INVESTIGATION,
CENTRAL CRIME BRANCH,
GREATER CHENNAI CITY POLICE,
VEPERY, CHENNAI 600 007,
CRIME NO.89 OF 2022.

For Petitioner : M/S.K.A.MARIAPPAN Advocate

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner A2 accused in Crime No.89 of 2022 for offence under Section 120B, 420, 465, 467, 468 and 471 IPC, filed this Anticipatory Bail petition.

2. The contention of the petitioner is that the petitioner's son A1 had applied for housing loan from the de facto complainant bank and received a sum of Rs.2,03,00,000/-. The petitioner had stood as a co-borrower being a father. Since his son was employed in Middle East, for the facilitation of the bank, the petitioner and his daughter-in-law was shown as co-borrower and the petitioner was interacting with the bank. Other than that the petitioner has got nothing to do with the housing loan obtained by his son. After obtaining the loan, the documents of the property were verified after getting legal opinion and thereafter only loan was sanctioned.

3. Learned counsel for the petitioner submitted that the petitioner is shown as a co-borrower and he has got nothing to with the loan obtained by is son. He further submitted that the petitioner is aged about 67 years and is having severe health ailments. Hence, he seeks anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Advocate) submits that de facto complainant bank lodged a complaint stating that the petitioner has produced forged documents for a property in Zackariya Colony, Kodambakkam. The documents were scrutinized by empanelled advocates and thereafter it was processed. Later after disbursing the loan amount, one Dr.Vijaya Murali has sent an intimation to the bank stating that he along with his mother and sister are the joint owners of the property. Thereafter it was verified and found that the petitioner had produced forged documents and a complaint has been lodged. Now in this case, A1 and A3 were arrested and are still in jail. As regards A4, he is yet to be apprehended. Hence, the learned Government Advocate vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that petitioner is only a co-borrower and A1 is the prime accused who received the housing loan and utilized the same and he is the person who produced the forged document and also considering that the petitioner is aged about 67 years with health ailments, this Court is inclined 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 fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate (CCB & CB CID Court), Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
26/05/2022

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 COURT), EGMORE, CHENNAI

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

3 THE INSPECTOR OF POLICE
TEAM -XII, BANK FRAUD INVESTIGATION, CENTRAL
CRIME BRANCH, GREATER CHENNAI CITY POLICE,
VEPERY, CHENNAI 600 007,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.A.MARIAPPAN Advocate on payment of necessary charges

CRL OP.12396/2022

Date :26/05/2022

RVR 01/06/2022