



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.13796 of 2021

WEB COPY

Anand Jain

.. Petitioner

Vs.

State represented by
Superintendent of Police,
CBI, Anti-Corruption Branch,
'A' Wing, 3rd Floor, Shashtri Bhavan
No.26, Haddows Road, Chennai- 600 006.
Crime No.RC0322021A007 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Cr.No.RC0322021A007 of 2021 on the file of
the respondent police.

For Petitioner : Mr.Rahul Balaji

For Respondent : Mr.K.Srinivasan
Special PP for CBI Cases

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
120B & Section 420 of IPC and Section 13(2) r/w. Section 13(1(d) of
the Prevention of Corruption Act, in Crime Number RC0322021A007 of
2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that Hallmark Infrastructure
Private Limited (A1) availed loan facilities viz., (1) Loan against
Property(Reducible OD), (2) Project Term Loan and (3) Loan against
Property which was sanctioned by the BANK OF INDIA (defacto
complainant herein) in the year 2013. It is further alleged that A1
had diverted the funds to some other firm and allegedly violated the
sanction terms and thereby allegedly cheated the bank. Hence, the
defacto complainant lodged a complaint against the petitioner.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that this matter is pending before the NCLT proceedings in CP/120B/IB/2018. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Special Public Prosecutor submits that in the account of the petitioner's firm, the scheduled mentioned properties (totally 5 property) was brought for sale through SARFAESI E-Auction on 13.10.2021. He further submits that during the said e-auction there were no bidders for Property Nos. 1 to 4 whereas Property No.5 was sold for Rs.3,02,08,000 and as per the contention of the bank mere about Rs.11 crores was due. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the loan was borrowed by the petitioner by indemnifying his property as security which is sufficient for the loan recovery and also considering that if he is released on bail, he will not tamper the evidence, 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 fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned XI Addl Special Court for CBI Cases, 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 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 Court concerned 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 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 petitioner in accordance with law as if the conditions has been



imposed and the petitioner is 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;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

20/01/2022

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 XI ADDITIONAL SPECIAL COURT FOR CBI CASES,
CHENNAI.

2 THE SUPERINTENDENT OF POLICE,
CBI, ANTI CORRUPTION BRANCH,
A WING, 3RD FLOOR, SHAHSTRI BHAVAN,
NO.26, HADDOWS ROAD,
CHENNAI-600 006

3 THE SPECIAL PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2CC to M/S.RAHUL BALAJI Advocate on payment of necessary
charges SR.No.884

CRL OP.13796/2021

Date :20/01/2022

CSK 28/01/2022