Crl.O.P.No.17014 of 2022

**G.K.ILANTHIRAIYAN, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 420, 465, 467, 468 and 471 IPC, in Crime No.129 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the first accused approached the defacto complainant and sought for taking over of his existing loan availed by him with Religare Finvest Ltd on assurance to execute MOTD with respect to his property situated at Gopalapuram, Chennai and thereby defacto complainant herein sanctioned loan for a sum of Rs.2,44,00,000/- in the year 2017, with the said amount the first accused herein settled his loan with Religare Finvest Ltd and cancelled the MODTD executed by him in favour of Religare Finvest Ltd, but without executing Mortgage in favour of the defacto complainant has created a further encumbrances over the property with the State Bank of India. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner herein being the wife of the first accused and she has been falsely implicated in this case. He further submitted that the petitioner never signed any documents

with respect to any loans and never appeared before any bank. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner along with first accused availed loan from the defacto complainant to the tune of Rs.2,44,00,000/- in the year 2017 and involved in cheating. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally two accused in this case in which the petitioner is arrayed as A2. The petitioner and the first accused are husband and wife both have availed loan from the Religare Finvest Ltd and thereafter committed default and they were not able to complete the loan. Therefore, they approached the defacto complainant/Bank to avail loan to the tune of Rs.2,44,00,000/- to close the earlier loan. Therefore, they submitted memorandum of deposit of title deed and availed loan to the tune of Rs.2,44,00,000/- and settled the earlier loan amount.

6. In so far the documents produced by the accused persons are fabricated one and the original documents of the said property was already mortgaged with the State Bank of India. Therefore, the first accused was arrested remanded in Goondas Act.

7. Considering the facts and circumstances of the case, custodial interrogation of the petitioner is very much required in this case and the petitioner committed very serious offence. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

21.07.2022

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**G.K.ILANTHIRAIYAN, J.**

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