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Crl.OP.No.18687 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.18687 of 2022

Anilkumar

...Petitioner

Vs.

The Inspector of Police,
Central Crime Branch,
Bank Fraud Investigation Wing, Team-31
Egmore Chennai.
Crime No.164/2020.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to direct the petitioner be released on bail concerned in Crime
No.164 of 2020 on the file of the respondent herein.

For Petitioner	: Mr.P.Raja
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor
For Intervenor	: Mr.F.B.Bengimun George

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 20.07.2022 for the offences punishable under Sections **420,**
465, 467, 468, 471 and R/W 120B of IPC in Crime No. 164 of 2020 on



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the file of the respondent police, seeks bail.

2.The case of the prosecution is that, a complaint has been lodged by the Indian Overseas Bank that the petitioner herein along with others created records and false documents for the lands and obtained loan from the *de-facto* complainant.

3. There are totally two accused, in which the petitioner is arrayed as A2. Even according to the case of the prosecution, A1 and A2/petitioner herein entered in to an agreement for construction and also executed sale deed in respect of the undivided share of the subject property. A1 from the *de-facto* complainant availed loan of Rs.42,00,000/-. When the A1 defaulted in payment of instalments, the *de-facto* complainant proceeded against A1 under the SARFAESI Act and found that the subject property which was sold out by the petitioner herein was already sold out in favour of one Aravindhan. The First Information Report is of the year 2020 and the petitioner was arrested and remanded to judicial custody on 20.07.2022. That apart, admittedly the petitioner is a builder and the loan was applied by the A1 and he



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committed default.

4. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Metropolitan Magistrate for CCB and CBCID cases, Egmore Chennai**, and on further conditions that:

[a] 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 two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed



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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.

10.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Metropolitan Magistrate for CCB and CBCID Cases,
Egmore Chennai.
- 2.The Inspector of Police,
Central Crime Branch,
Bank Fraud Investigation Wing, Team-31
Egmore Chennai.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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