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Crl.OP.No.21742 of 2022

Crl.O.P.No.21742 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 420, 465, 467, 468, 471 IPC read with Section 120 B IPC in Crime No.169 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant/Syndicate Bank, the petitioner along with other accused created records and false documents and obtained loan from the defacto complainant and cheated the Bank. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2. He is a builder and he had constructed six flats and sold the same on behalf of the land owner, whereas A1 is alleged to have fabricated the documents in collusion with the officials in the Bank, taken loan and failed to repay the amount. Thereafter, a complaint was lodged by the defacto complainant before the



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respondent police. He would further submit that the verification of the records would prove that the petitioner has built the flats according to the plan approved by the local authorities and he has not sold any of the flats in excess. He would furthermore submit that the petitioner was arrested by the respondent police in connection with a complaint concerned in Cr.No.164 of 2020 and released on bail in Crl.O.P.No.18687 of 2022 dated 10.08.2022 and thereafter, he also complied with the conditions. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, in collusion with the other accused fabricated the documents and cheated the Bank to the tune of Rs.47,60,000/-. He would further submit that A1 is the borrower, who borrowed the money from the Bank and there is one previous case pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case, this Court



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is inclined to grant anticipatory bail to the petitioner subject to the following 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 for CCB and CBCID Cases, Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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at 10.30 a.m. until further orders.

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[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.09.2022

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