



CrI.O.P.No.28599 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Sections 420, 465, 467, 468, 471 of IPC in Crime No.295 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Chief Manager, Vijaya Bank, Saidapet branch is that the petitioner by submitting fabricated documents had obtained a car loan for a sum of Rs.11,77,731/-, thereby cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a senior citizen, he had applied for personal loan in the Bank through A1. A1 along with the then Manager of the bank had fabricated certain documents and received the loan. He would submit that without prejudice to his contention, the petitioner is prepared to deposit a sum of Rs.5lakhs to the credit of Cr.No.295 of 2020. He would further submit that the petitioner is a senior citizen and he also got physically challenged child, he had only signed the documents believing A1 who is the agent of the Bank. He would submit that A1 is arrested and released on bail by the trial Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner along with A1 had fabricated the documents and had obtained vehicle loan for Rs.11,77,731/-, later it was found that the documents produced were fabricated. Hence, he oppose for grant of anticipatory bail to the petitioner.

5. Considering the submissions and on perusal of the materials and the undertaking given by the petitioner to deposit a sum of Rs.5lakhs to the credit of crime number, this Court 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 his arrest or on his appearance, within a period of two weeks from the date on which the copy of the order is made ready, before the Special Court, CCB & CBCID, Egmore, Chennai, on condition that the petitioner shall execute a separate 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 deposit a sum of Rs.5lakhs to the credit of Cr.No.295 of 2020 on the file of Special Court, CCB & CBCID, Egmore, Chennai, within a period of two weeks and to produce the acknowledgement receipt before the learned Special Court, CCB & CBCID, Egmore, Chennai, at the time of furnishing sureties.

[c] the petitioner shall report before the respondent police daily at 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am until further orders.

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

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

[f] 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]***.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

24.11.2022

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