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Crl.O.P.No.2129 of 2023

T.V.THAMILSELVI, 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 of IPC, in Crime No.Not known of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 Mrs.Shyamala Devi, has availed a Housing Loan with the defacto complainant for Rs.75 lakhs for purchasing a property. Afterwards, A1 has not repaid the loan EMI's properly and committed default. On verification, it was found that the documents submitted by A1 while availing the loan was fabricated. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The allegation against the petitioner is that he had introduced A1 to the Bank Manager. The petitioner has only received promotional referrals which he had received through referral advertisement

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stating that he would receive benefits and other privileges from the bank for referrals. He is not even remotely connected to any offence and has just made reference. The entire allegations in the FIR was lodged against A1, who colluded with the Bank Manager involved in illegal activities.

4. It is the further submission of the learned counsel appearing for the petitioner that co-accused/A1 had been granted anticipatory bail by an order of this Court dated 28.07.2021, in Crl.O.P.Nos.12517 & 12575 of 2021 and hence prays for grant of anticipatory bail to the petitioner also.

5. The learned Government Advocate (Crl.Side) did not dispute the fact of granting anticipatory bail to the co-accused and further submitted that initially, the petitioner was not named in the FIR. Thereafter, he is arrayed as A5 and the investigation is pending in this case.

6. Considering the facts and circumstance of the case that the entire allegation in the FIR is made only against A1, who already granted anticipatory bail by this Court on 28.07.2021, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-I, Tambaram** 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 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 every Wednesday at 10.30 a.m., for a period of six weeks and thereafter as and when required.

[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.

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T.V.THAMILSELVI, J.

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

01.02.2023

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