



Crl.O.P.No.3694 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 417, 420, 468 and 471 of IPC, in Crime No.5 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the Assistant Manager and he along with other accused have forged documents and by mortgaging the same, got loan for a sum of Rs.13,00,000/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner herein is the Assistant Manager and he only forwarded the loan application, therefore, he has no role with regard to sanction of loan to A1 to A3. He would further submit that the co-accused was already granted anticipatory bail. Further, the learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of **Rs.3,00,000/- (Rupees Three Lakhs Only)** to the credit of the crime number. Hence, he prays for grant of anticipatory



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bail to the petitioner.

4.The learned counsel for the intervenor would submit that the original value of the mortgaged property is only a sum of Rs.5,00,000/-. On the other hand, the petitioner colluded with other accused had forged documents and sanctioned a sum of Rs.13,00,000/- as loan. However, A1 to A3 failed to make payment towards the EMI for the settlement of the said loan, the property was declared as NPA under the SARFAESI Act. When the employee of the *de-facto* complainant went to the mortgaged property, it was found that there was no property worth the loan amount. Hence, he prayed for dismissal of this petition.

5.The learned Government Advocate (Crl.Side) would submit that the petitioner is an employee of the *de-facto* complainant. He would also submit that the petitioner along with other accused have fabricated documents for a property along with building worth about a sum of Rs.13,00,000/-. However, the original value of the mortgaged property is only a sum of Rs.5,00,000/-. He would further submit that the



investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is ready and willing to deposit a sum of Rs.3,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate, Tiruttani**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (out of which, one surety must be a blood surety) 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 shall deposit a sum of **Rs.3,00,000/- (Rupees Three Lakhs Only)** to the credit of the crime number within a period of four weeks from the date on which the order copy made ready, before the **learned Judicial Magistrate, Tiruttani;**

[b] 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;

[c] the petitioner shall report before the **respondent Police on every Tuesday and Sunday at 10.30 a.m. for a period of two months;**

[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



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

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