



Crl.O.P.No.5962 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 409, 420 & 120B of IPC, in Crime No.68 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. There are totally five accused involved in this case and the petitioner is arrayed as A5. The case of the prosecution as per the defacto complainant/Mr.S.G.Premsekar, Branch Manager, M/s.Equitras Small Finance Bank Private Ltd., Chennai, is that the accused colluded together, fabricated the documents and on false declaration obtained loan to the tune of Rs.30,00,000/- from the defacto complainant's Bank and later cheated. During the course of investigation, the defacto complainant came to know that the documents furnished by the accused persons were bogus and fabricated documents. Hence, the case.



Crl.O.P.No.5962 of 2023

WEB COPY

3.The learned counsel for the petitioner submitted that during the relevant period, the petitioner was working as a Bank Manager in M/s.Equitras Small Finance Bank Private Ltd., Chennai. As per the procedure, the valuer has to inspect the premises and based on the report given by the valuer, the loans are to be sanctioned. The petitioner believing the valuer had sanctioned the loan and other than that the petitioner has not do anything with the alleged offence. He submitted that internal enquiry was conducted and found that there was no lapses on the part of the petitioner. He would submit that the entire case of the prosecution is borne out by records and he is ready to co-operate with the respondent for the purpose of investigation. Thereby, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the petitioner is a bank Manager and he along with other accused by furnishing bogus and fabricated documents had obtained a loan amount to the tune of Rs.30,00,000/- from the defacto complainant's bank.



Crl.O.P.No.5962 of 2023

WEB COPY

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate-I, Tiruvallur**, 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:



Crl.O.P.No.5962 of 2023

WEB COPY

[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 District Crime Branch, Tiruvallur District daily at 10.30 a.m., for a period of four weeks, and thereafter every Saturday at 10.30 a.m., until further orders.

[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]***.



Crl.O.P.No.5962 of 2023

WEB COPY [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

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16.03.2023



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Crl.O.P.No.5962 of 2023

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Crl.O.P.No.5962 of 2023

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