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CrI.O.P.No.7762 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A6 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 406, 420, 465, 408 and 471 of IPC in Crime No.139 of 2023, seeks anticipatory bail.

2.Even before examining the facts of the case, it must be noted that on the previous hearing dates, there was no representation for the intervenor and it had been noted that, even if the intervenor does not appear, on the basis of the available records order shall be passed. Again today, the intervenor nor the learned counsel is present.

3.It is also noted that the defacto complainant / intervenor, is the Assistant General Manager of State Bank of India, RACPC, Tambaram Chennai South. When the bank / custodian of public funds



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had lodged a complaint and also filed petition seeking to intervene in the anticipatory bail, it is very strange that there is no representation on behalf of the defacto complainant.

4.Be that as it may, a brief outline of the facts would indicate that A1 had approached Kelambakkam Branch, State Bank of India seeking Housing Term Loan and Suraksha Loan claiming that he is an employee of M/s.Four Cross Roads Future Solutions Pvt. Ltd. The petitioner/A6 is one of the Directors of the company, with that particular name, which promises future solutions, but unfortunately, he now stand as an accused before this Court.

5.The learned Senior Counsel for the petitioner states that at that relevant point of time A1 was not an employee of the said company. It is stated that the husband of A5 had floated the company and the petitioner herein had disputes with the said husband.



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6.Be that as it may, the learned Senior Counsel asserts that the petitioner herein had not signed any of the document, which had been presented for obtaining the loan nor had signed any of the document presented by the bank to ensure that the loan is actually sanctioned.

7.In view of that particular fact and also in view of the fact that the defacto complainant appears to have lost interest in the entire case, this Court is inclined to grant anticipatory bail to the petitioner.

8.Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

9.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 No.I, Tambaram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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



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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.

10.Even though orders have been passed, list the matter once again on 07.12.2023 and the respondent is directed to issue an official communication to the defacto complainant seeking the presence before this Court on 07.12.2023 at 2.15 p.m.

23.11.2023

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