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CrI.OP.No.10203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.10203 of 2023

Hariharan Subramanian

..Petitioner

Vs.

The State represented by,
The Inspector of Police,
Bank Fraud Prevention Wing,
Central Crime Branch-I,
Vepery, Chennai-600007.
(Ref Crime No.203 of 2020
dated 19.05.2020)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.203 of 2020 registered for the offences under Sections 120(B) and 420 of IPC pending investigation on the file of the respondent Police.

For Petitioner	: Mr.C.Arun Kumar
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.03.2023 for the offence punishable under Sections 120(B)



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and 420 of IPC, in Crime No.203 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner borrowed loan from the defacto complainant Bank to the tune of Rs.35 Crores 10 Lakhs for business purpose. However, the petitioner diverted the money for personal use and subsequently, he had also committed default in payment of loan. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner borrowed loan from the defacto complainant Bank to the tune of Rs.35 Crores 10 Lakhs for



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business purpose. However, the petitioner diverted the money for personal use and subsequently, he had also committed default in payment of loan. The complainant had also taken action under the SARFAESI Act, in order to collect the loan amount. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 28.03.2023, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned CCB and CBCID Metropolitan Magistrate, Egmore and on further conditions that:

[a] 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.



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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]**.

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

05.05.2023

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To

- 1.The CCB and CBCID Metropolitan Magistrate, Egmore.
2. The Inspector of Police,
Bank Fraud Prevention Wing,
Central Crime Branch-I,
Vepery, Chennai-600007.
3. The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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