



Crl.O.P.No.11020 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 120B, 420, 465, 467, 468, 471 of IPC, in Crime No. 75 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Siva Nagarjuna Kumar, Senior Manager of the Indian Overseas Bank, K.K.Nagar Branch, Chennai is that the accused along with the builder and other persons availed the loan of Rs.1,49,36,683/- from the bank by fabrication of documents and cheated the bank. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been registered against him. He would further submit that the petitioner was introduced to one A1/M/s.Sonex Builders for the purchase of flat and based on the opinion given by the Bank panel lawyer one Mr.N.Karunanidhi, the petitioner had agreed to avail the loan for the purchase of flat and he also signed in the documents based on which the bank has released the



Crl.O.P.No.11020 of 2023

amount of Rs.30 lakhs to the builder. Later the petitioner was shocked to find out that the builder had earlier sold the property to some one else and later based on the fabricated documents not only cheated the bank and he also cheated the petitioner in collusion with the bank manager and the panel lawyer Mr.N.Karunanidhi who had been added as an accused No.8 in this case. The Sub Registrar, who is aware of the earlier transaction had also been arrayed as an 9th accused in this case. He further submit that the petitioner being an innocent person had approached the bank for the purpose of loan and he has been implicated as an accused in this case. He would further submit that without knowing the fact, the petitioner has also paid the monthly instalments and the petitioner is now facing liability of repaying the amount of Rs.30 lakhs. He would also submit that without prejudice, the petitioner to show his bonafides, is prepared to deposit original title deeds of documents of immovable property worth about Rs.10 lakhs at the time of furnishing the sureties and thereby he would seek for anticipatory bail.

4. The learned Government Advocate (Crl.side) would submit that the petitioner along with builder and other persons by producing



Crl.O.P.No.11020 of 2023

fabricated documents had availed the loan to the tune of Rs.1,49,36,683/- and in respect of one flat, the petitioner has been given the loan for a sum of Rs.30 lakhs. He further submit that the investigation is still pending and hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner is ready to deposit original title deeds of documents of immovable property worth Rs.10 lakhs at the time of furnishing the sureties, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit the original title deed of an immovable property worth Rs.10,00,000/-(Rupees Ten Lakhs Only) (which stands in the name of the petitioner or his relatives or his friends) to the credit of Crime No.75 of 2023” and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his



Crl.O.P.No.11020 of 2023

WEB COPY

appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special Court for CCB, Bank Fraud Offences at Egmore**, 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, 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 everyday 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



Crl.O.P.No.11020 of 2023

WEB COPY

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.

02.06.2023

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Crl.O.P.No.11020 of 2023

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