



CrI.O.P.No. 11963 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 409, 420, 465, 467, 468, 471 of IPC in Crime No.140 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with other accused, have conspired and misappropriated a sum of Rs.1,51,77,752/- by misusing the KYC documents by making fabricated documents in the name of non-existing company. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent persona and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted as against the petitioner and hence he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that this is the sixth anticipatory bail petition. Earlier bail applications filed by the petitioner before this Court were dismissed on several occasions. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen from the records that there are totally eight accused involved in this case, in which the petitioner is arrayed as A2. Even according to the prosecution, the first accused fabricated some KYC and availed loan from the defacto complainant to the tune of Rs.1,51,77,752/- As far as the petitioner is concerned, he is working as HR under A1. Without consent and without knowledge of the petitioner, A1 created false documents and availed loan. Now, the other persons have deposited more than Rs.70,00,000/- out of Rs.1,51,77,752/-. The petitioner repeatedly filed anticipatory bail, since the respondent did not take any steps to secure the petitioner. Therefore, the custodial interrogation of the petitioner is not required in this case. That apart, the crime is of the year 2021 and the investigation is still pending.



6. Considering the above fact and circumstances of the case, 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 **CCB & CBCID Special Court, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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. and 5.30 p.m. until further orders.



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[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]**.

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

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