



Crl.O.P.No.14932 of 2023

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G.CHANDRASEKHARAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 120B, 420, 465, 467, 468, 471 of IPC in Crime No.194 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that, petitioners are implicated as A6 & A8 in Crime No.194 of 2020 registered for the offences under Sections 120B, 420, 465, 467, 468, 471 of IPC. Petitioners are agents between the *de-facto* complainant bank and A1. Whatever the documents supplied by A1 were produced by the petitioners to the bank. They have nothing to do with the alleged cheating committed by A1 & A2. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, A5 Saravana Kumar and A8 Nagappan are proprietors of M/s. Sarnam Capital. They are doing business of arranging bank loan on commission basis. A5 is friend of A2 and also he is the one who helped A2 to avail loan. A6 is the assistant



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of A5 and A8.

4. The allegations against these petitioners are that they helped accused in arranging loan on commission basis. Now, it is also informed by the learned Government Advocate (Crl.side) that after registration of the complaint, the parties had reached out for one-time settlement. In pursuance to the one-time settlement raised, a sum of Rs.51.50 lakhs was paid by Shankar Ganapathy and Aparna Shankar towards full and final settlement of outstanding in civil liability.

5. Taking all these facts into consideration and the fact that FIR was registered on 16.05.2020 and that substantial part of the investigation is completed and that one-time settlement was reached between the parties and also the fact that respondent police have not chosen to arrest the petitioners till date, this Court is inclined to grant anticipatory bail to the petitioners to take the case to the next level.

6. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of



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fifteen days from the date on which the order copy made ready, before **the learned XI MM, Saidapet**, on condition that each of the petitioners shall execute a separate 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:

[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.

[b] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

27.07.2023

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