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Crl.O.P.No.15521 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 34, 120B, 420, 465, 468 and 471 of IPC in Crime No.6 of 2023, seeks anticipatory bail.

2.It is stated that the Chief Manager (Admin), State Bank of India, Regional Office, Coimbatore, while examining the branch at Kil-Kothagiri, found that loans had been sanctioned to persons, who did not own farms, to persons who produced false documents relating to possession of lands. These loans were sanctioned for the purpose of growing Mushroom farming. The petitioner is one such person, who had availed loan. But it is stated on behalf of the defacto complainant that the documents produced about possession of land are false and fabricated documents.



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3.Let me not enter any further about that, since that is an issue which will have to be examined at the time of trial. But it is a fact that the petitioner had received loan of Rs.9,90,000/- for growing mushroom as an agricultural crop. On the other hand, out of the sum of Rs.9,90,000/-, the petitioner had transferred a sum of Rs.9,70,000/- to one Scindia Constructions. It is not known how the petitioner is related to the said Scindia Constructions or whether he has any business or contractual agreement with the said Construction Company. But this transfer had been found out by the defacto complainant and it is specifically stated in the intervening petition filed by the defacto complainant.

4.This Court had an occasion to examine similar loans being advanced to various other farmers and that was registered as FIR in Crime No.5 of 2023 by the respondent and while considering the anticipatory bail petition of similarly placed individuals, who had received loan, this Court had imposed a standard condition that they must each deposit a sum of Rs.2,00,000/- to the credit of Crime No.5 of 2023.



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Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, however, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.6 of 2023 before the learned Judicial Magistrate, Coonoor.

5.The learned counsel for the petitioner, however stated that the bank account of the petitioner cannot be operated, since it has been frozen.

6.But however, the respondent may examine the bank account of the petitioner herein and if there is an available balance of Rs.2,00,000/- may direct the Branch Manager, State Bank of India, Kil Kothagiri Branch, to issue a debit slip from that particular account to the credit of Crime No.6 of 2023 pending before the Judicial Magistrate, Conoor. If there is no amount of Rs.2,00,000/- available in the bank account, then the petitioner must deposit the said sum of Rs.2,00,000/- to the credit of Crime No.6 of 2023 pending before the on the file of the Judicial Magistrate, Conoor.



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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 Judicial Magistrate, Coonoor, 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 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 tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during



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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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