



Crl.O.P.No.17121 of 2023

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**RMT.TEEKAA RAMAN,J.**

The petitioners/A7 & A8, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 409, 417, 420 and 34 IPC in Crime No.36 of 2019, seek anticipatory bail. Earlier anticipatory bail petition filed by very same petitioners in Crl.O.P.No.12610 of 2023 has been dismissed as withdrawn on 28.06.2023.

2. The case of the prosecution is that the defacto complainant is a small finance bank, which lend loans to the customer i.e., loan against immovable property and micro Finance loan to self help group through their branches located across nation. During the audit conducted in its Gummudipondi, Minjur and Ponneri branches, it is found that the petitioners and other co-accused persons have involved in malpractices by misappropriating the settlement amount of the borrowers with a malafide intention to defraud the bank and have committed the criminal acts and misappropriated the amount of Rs.29,04,762/- from the customers being the settlement amount and also collected the monthly installments from 291 borrowers amounting to



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Rs.16,00,000/- and had not remitted into the bank for credit into the customers respective loan account and misappropriated the said amount and wrongfully enriched themselves. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the 1<sup>st</sup> petitioner herein/A7 is working as Assistant Branch Manager and 2<sup>nd</sup> petitioner/A8 is the Sales Manager and they have misappropriated a sum of Rs.16,58,630/- which is the settlement amount of the borrowers, with malafide intention to defraud the bank and the matter is under investigation. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.side) and perused the materials available on record.



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6. Taking into consideration the nature and gravity of the offence and also taking note of the position of the petitioners that they are the direct employees of the bank, however, appears to have not deposited the amount that is collected from the borrowers, thereby committed misappropriation to the tune of Rs.16,58,630/- and the investigation is at preliminary stage, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

**07.08.2023**

*ars*



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