



Crl.O.P.No.24943 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 & 420 read with Section 34 of IPC in Crime No.171 of 2022, seeks anticipatory bail.

2. The defacto complainant is guarantor for a loan in which the first accused was the borrower. The petitioner is the Bank Manager, who had advanced the loan.

3. The claim of the defacto complainant / guarantor is that the petitioner herein had extended the time period for repayment of the loan.

4. I am not able to understand as to how a guarantor can lodge a criminal complaint against the Manager for advancing loan. The defacto complainant / guarantor is liable to repay the loan and that liability is equal to that of the principal borrower. It is clear that the defacto complainant/guarantor and the actual borrower are now trying to shift the entire burden on the Branch Manager when there is obligation to return back the loan amount. This Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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5. 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 CCB/CBCID Court, 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 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 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 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.

02.11.2023

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