



CrI.O.P.No.12490 of 2024

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C.SARAVANAN, J.

The petitioner, apprehending arrest in the hands of the respondent Police for the offences punishable under Sections 420 and 405 of the Indian Penal Code, 1860, in Crime No. Not known of 2024 seeks Anticipatory Bail.

2. The case of the prosecution is that the De-facto complainant/ICICI Bank preferred the complaint stating that the petitioner had given a wrong title opinion with regard to the properties situated at Perungudi, Sholinganallur, Kancheepuram District for obtaining a loan at ICICI Bank, Home Loan Division, and has committed a bank fraud. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an advocate practicing before this High Court and has given about 8800 opinions to various banks, including ICICI Bank, and that the petitioner has been wrongly accused of fraud and is being harassed by the respondent at the behest of ICICI Bank. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.12490 of 2024

WEB COPY

4. The learned Government Advocate (Criminal Side) for the respondent Police would submit that, at the enquiry stage, the petitioner has rushed for an Anticipatory Bail under Section 438 of the Criminal Procedure Code. Hence, he prays for dismissal of this petition.

5. Heard the submissions made on either side and perused the materials available on record.

6. *Prima facie*, the present case of the petitioner for Anticipatory Bail is premature. At the same time, it appears that the petitioner has merely provided opinion to the bank, which had empanelled him to provide services. There can be deficiencies in the services provided by the petitioner; certainly, criminality cannot be attributed unless there are clear facts that emerge from the records that are available before the respondent. Be that as it may, the respondent Police are directed not to arrest the petitioner. However, the petitioner shall cooperate with the respondent Police in the proposed investigation pursuant to a complaint filed by the ICICI Bank, which has been acknowledged in C.No.79/CCB/COP-V/2024.



Crl.O.P.No.12490 of 2024

WEB COPY

7. With the above directions, this Criminal Original Petition is disposed of.

24.05.2024

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Crl.O.P.No.12490 of 2024

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