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Crl.O.P.No.2157 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2157 of 2025

J Dinesh Kumar
S/0 Jothivel, NO. 38, WARD 10, THIRUMAL
NAGAR, NARASINGAPURAM TALUK,
SALEM-636108,

Petitioner(s)

Vs

The State Rep By Inspector Of Police,
Upper Coonoor Police Station, Nilgiris. (Crime
No.41/2024)

Respondent(s)

For Petitioner(s): Thayumana Sundaram

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 34, 405, 420 and 422 of IPC in Crime No.41 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner herein/ A3 is an employee of the State Bank of India; that while he was employed as a Processing Officer at the State Bank of India, Bedford Circle Branch, Coonoor, the first accused namely Sudhakaran, who is employed as a driver with the Tamil Nadu State Transport Corporation approached the said Branch for a loan; that the petitioner herein as a Processing Officer, verified all the necessary documents furnished by the A1 and also based on loan agreement executed by A1, undertaking to transfer his salary account to the Bedford SBI Branch, a sum of Rs.6,30,000/- was disbursed as a loan amount to the A1 by the petitioner herein, after obtaining approval from the Branch Manager of the said Branch/A2; that thereafter, A1 failed to fulfill the loan agreement, defaulted and deceitfully evaded repayment; that due to the negligence on the part of the petitioner herein in discharging his duties and granting the aforesaid loan to A1, without verifying the documents and ensuring the repayment, he has been arrayed as an accused in this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



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case; that the petitioner had no intention to cause loss to the bank in sanctioning the said loan to the A1 and never committed any offence as alleged by the prosecution; that the co-accused/ A2 was granted anticipatory bail vide order dated 11.09.2024 in Crl.M.P.No.699 of 2024; that the petitioner is ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court; and that it is the case borne out by records, no custodial interrogation of the petitioner is required and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the allegation against the petitioner herein amounts to negligence in discharging his duty in sanctioning the aforesaid loan to the A1; and that the investigation is pending, hence opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.



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6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, similarly placed co-accused was already granted anticipatory bail, the fact that the case is borne out by records and since custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 separate 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



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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.

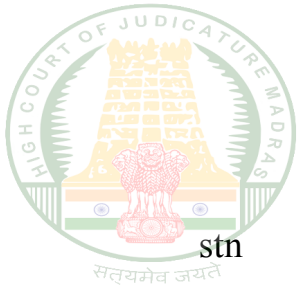
[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[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 269 of B.N.S.

13.02.2025



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SUNDER MOHAN, J.

stn

To

1. The State Rep By Inspector Of Police,
Upper Coonoor Police Station,
Nilgiris.
(Crime No.41/2024)

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