

Crl.O.P.No.10610 of 2016**R.SUBBIAH, J.**

Apprehending arrest at the hands of the respondent-Police for the alleged offence punishable under Sections 406 and 420 IPC in Crime No.3 of 2015 on the file of the respondent Police, the petitioner moved this Court for anticipatory bail.

2.This is the third anticipatory bail application filed by the petitioner herein.

3.The petitioner has been arrayed as A2. The case of the prosecution is that A1 in this case was working as an LIC Development Officer, Hosur and he conducted an Unregistered Chit Fund in the name of C.K.Chit Fund at Hosur. The defacto-complainant paid a sum of Rs.3,25,000/- from 15.11.2013 to 15.11.2014 as chit amount and he has also paid another sum of Rs.2,50,000/- for the period from 10.02.2014 to 10.11.2014; thus, he totally paid a sum of Rs.5,75,000/- as chit amount to A1. When the defacto-complainant asked A1 to repay the money, A1 did not repay the money and cheated the defacto-complainant. Further, A1 has also cheated approximately 100 persons similarly by way of the above said chit company. The petitioner herein is the employee of the said C.K.Chit Fund and subsequently, he became a partner of the said C.K.Chit Fund. All the accused persons colluded together and swindled the chit

amount paid by the victims to the tune of Rs.3,02,45,000/-. Hence, the present complaint.

4.Learned counsel appearing for the petitioner submitted that the petitioner herein is only the employee of the said C.K.Chit Fund and he is in no way connected with the alleged offence. Thus, he sought for grant of anticipatory bail to the petitioner.

5.Learned Government Advocate (CrI.Side) vehemently opposed for grant of anticipatory bail to the petitioner stating that more than 100 persons were cheated by the accused persons and custodial interrogation of the petitioner is absolutely necessary and if anticipatory bail is granted to the petitioner, it would hamper the investigation. Thus, he sought for dismissal of the petition.

6.Keeping the submissions made on either side, I have perused the entire materials available on record. This is the third anticipatory bail application filed by the petitioner. The first anticipatory bail petition filed by the petitioner in CrI.O.P.No.4727 of 2015 was dismissed by this Court on 21.04.2015. The second anticipatory bail petition filed by the petitioner in CrI.O.P.No.12566 of 2015 was dismissed by this Court on 23.07.2015. Now, almost more than 1 year 3 months have lapsed from the date of dismissal of the second anticipatory bail petition. But, till date, the respondent police is not in a position to secure the accused/petitioner. Under such

circumstances, at this juncture, I do not find any valid reason to deny the anticipatory bail to the petitioner. Hence, I am of the opinion that by imposing stringent conditions, anticipatory bail could be granted to the petitioner.

7. Accordingly, anticipatory bail is granted to the petitioner and the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Magistrate concerned within a period of 15 days from the date of receipt of a copy of this order, on the following conditions_

i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two government servants' sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Hosur.

ii) The petitioner shall appear before the respondent police daily twice at 10.30 a.m. and 5.30 pm, until further orders.

iii) The petitioner shall cooperate for the investigation being conducted by the respondent-police.

R.SUBBIAH, J.,

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