

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.26296 of 2018

1 GOVINDAN
2 VASANTHI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING-II,
SALEM CITY. CR.NO.03 OF 2018.

[RESPONDENT]

For Petitioner : M/S.M.R.THANGAVEL Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 & A2 who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420 of IPC, and under Section 76(1) of the Chit Funds Act, 1982, in Crime No.03 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners conducted chit in the year 2014 - 2015 and they collected amounts from the defacto complainant and other persons for about 11 months. Thereafter, the petitioners stopped conducting the chit and they did not return the amount, collected by them. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is working as Conductor and his wife who is the second petitioner, conducted the chit in their residence in the year 2014 - 2015 as alleged by the prosecution. But, the first petitioner being a conductor under the Tamil Nadu State Transport Corporation, is roped in due to previous enmity. The learned counsel further submitted that even according to the prosecution, the chit was conducted in the year 2014 - 2015, but the complaint was lodged only in the year 2018. Hence, a case has been registered against the petitioners by the respondent police.

4.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Accordingly, the petitioners pray for grant of

anticipatory bail.

5.The learned Additional Public Prosecutor appearing for the State would submit that the petitioners cheated the Defacto Complainant and other persons and collected amount to the tune of Rs.13,24,000/- from the Defacto Complainant and other persons. No other case is pending as against the petitioners.

6.Considering the above facts and circumstances of the case, and also admittedly, the chit was conducted in the year 2014 - 2015, whereas, the complaint has been lodged only in the year 2018, in which the chit was conducted only for about 11 months, absolutely it is necessary to give explanation for the delay in lodging the complaint. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Salem, on condition that each of the petitioners 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 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 / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)The first petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required and the second petitioner shall report before the respondent police as and when required.

-sd/-
15/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
NO.11, SALEM.

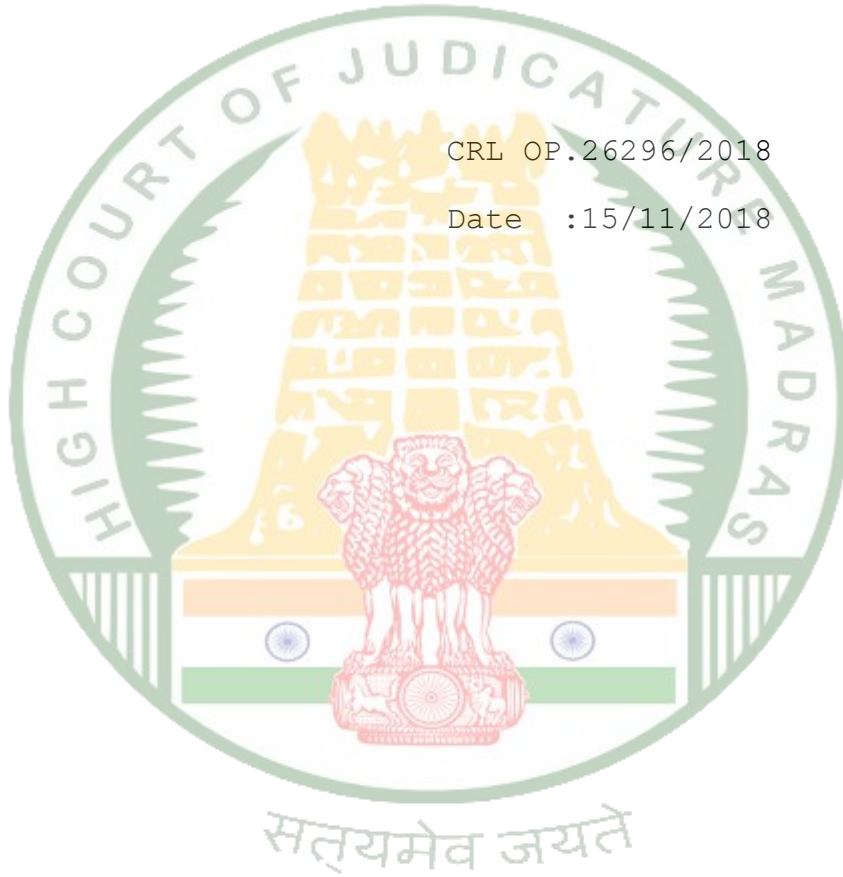
2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING-II,
SALEM CITY

+1 CC to M/S.M.R.THANGAVEL Advocate on payment of necessary
charges-Sr.21514

ths : 20.11.2018



CRL OP.26296/2018

Date :15/11/2018

WEB COPY