



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 11/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). Nos.7796 and 7846 of 2019

Ramachandran ... Petitioner/Accused No.1
in Crl.O.P(MD) No.7796 of 2019

Suresh ... Petitioner/Accused No.2
in Crl.O.P(MD) No.7846 of 2019

- Vs-

The Inspector of Police,
No.C4, Thilagar Thidal Police Station,
Madurai.
Crime No.331 of 2019.

... Respondent/Complainant
in both Crl.O.P(MD)s

For Petitioners : M/s.S.Bharathi,
Advocate -in both Crl.O.P(MD)s

For Respondent : V. Neelakandan,
Govt.Advocate (Crl.Side).
in both Crl.O.P(MD)s

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

PRAYER in both Crl.O.P(MD)S:-

For anticipatory bail in cr.no.331 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of IPC, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel for the petitioners would submit that the defacto complainant has joined in a group chit of Shriram Chits Tamil Nadu(P) Ltd Company in the month of October 2017 and each chit will have a value of Rs.5,00,000/-. He further submitted that though the defacto complainant has paid the subscription for certain period and thereafter he did not pay the amount . He further



submitted that as per the terms and conditions of the chit transactions, the subscriber is not entitled to get back the amount prematurely. He further submitted that already the defacto complainant has filed a complaint before the District Consumer Forum, Madurai and the same is still pending. He further submitted any dispute between the company and the subscriber has to be decided only by the Registrar of Chits, but the defacto complainant has filed a complaint before the Magistrate and the Magistrate has forwarded the said complaint under Section 156(3)Cr.P.C to the respondent police and based on the same the respondent police has registered a case in crime number 331 of 2019 under Sections 406 and 420 of IPC. He further submitted that in the said complaint, the company has not been added as a party. He further submitted that the dispute is purely civil in nature. Hence he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant has paid the subscription regularly from October 2017 for 17 months and thereafter he received a letter from the Shriram Chits Tamil Nadu(P) Ltd Company that the place of the office has been shifted to some other place and on enquiry he came to know that in the said place no such company is functioning, hence he lodged a complaint. He further submitted that investigation is still pending.

5. Taking into consideration the fact that the defacto complainant has not paid all the installments and also the fact that the company has not been added as a party in the complaint and also the fact that the defacto complainant has already filed a complaint before the District Consumer Forum, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the Respondent Police as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.



[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

sd/-

11/06/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
NO.C4, THILAGAR THIDAL POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7796 of 2019

Date :11/06/2019

MS/VR/SAR-1/20.06.2019/3P.5C