

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirty First day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.970 of 2020

ESTHAR @ ESTHAR RANI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING
KANCHEEPURAM,
KANCHEEPURAM DISTRICT,
CRIME NO.3 OF 2016.

For Petitioner : M/S. K.KATHIRAVAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 406, 506(i) of I.P.C. and Section 4(1), 14 and 76(1) of The Chit Funds Act in Cr.No.3 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have run chit un-authorisedly and collected a sum of Rs.2 Lakhs from the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that during the course of investigation, the entire amount was settled in favour of the defacto complainant and the law enforcing agency also filed closure report, however, the trial Court is not accepting closure report.

4.The learned Additional Public Prosecutor did not dispute the facts submitted by the learned counsel appearing for the petitioner.

5.Considering the fact that the entire amount was settled in favour of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of

fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate, Chengalpet, on condition that the petitioner 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 Court concerned 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 necessary 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

31/01/2020

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 CHIEF JUDICIAL MAGISTRATE
CHENGALPET

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING
KANCHEEPURAM, KANCHEEPURAM DISTRICT,

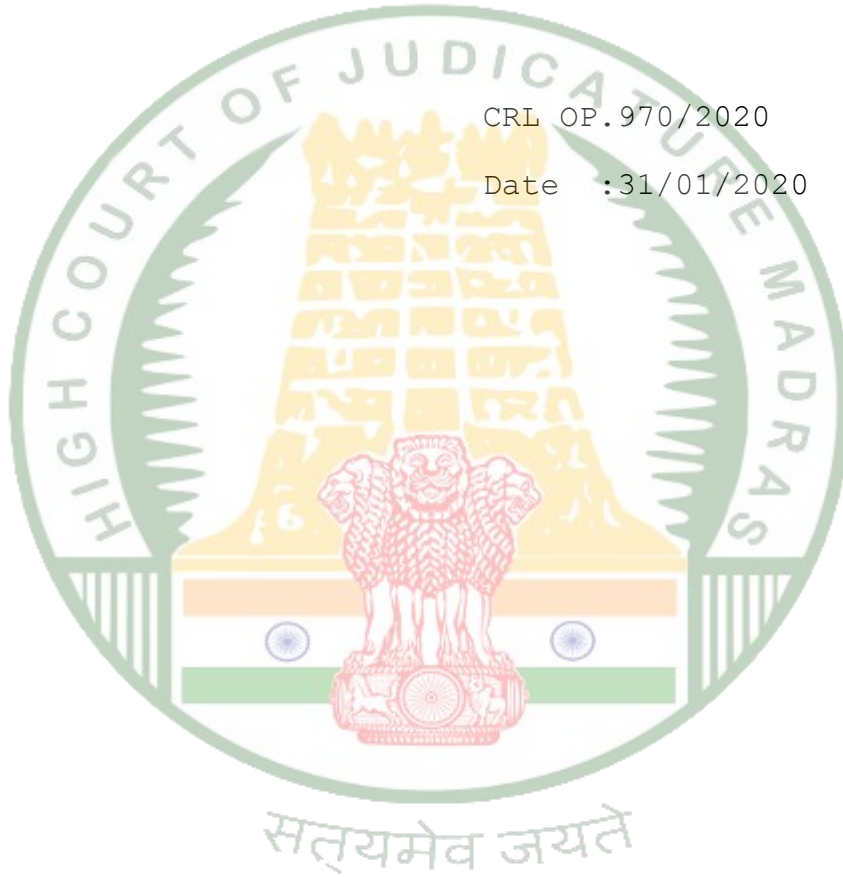
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.KATHIRAVAN Advocate on payment of necessary
charges SR.NO. 1899

CRL OP.970/2020

Date :31/01/2020

RD 04/02/2020



WEB COPY