

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.15649 and 16016 of 2020

and

Crl.M.P.No.6855 of 2020

S.Jagan ... Petitioner
in Crl.O.P.No.15649 of 2020

S.Kala @ kalaiselvi ... Petitioner
in Crl.O.P.No.16016 of 2020

Vs.

The State Represented by, ... Respondent in
The Inspector of Police (Crime), both Crl.O.Ps
J-10, Chemmancheri Police Station,
Chennai.

Common Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.454 of 2019 on the file of the respondent police.

For Petitioners(In both Crl.O.Ps): Mr.J.Athiamaan

For Respondent(In both Crl.O.Ps): Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

COMMON ORDER

(These cases have been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.454 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners along with the other accused conducted a illegal chit fund and collected money from the general public to the tune of Rs.14,10,000/-, thereafter, they have not repaid the amount. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that in order to show their bonafide, each of the petitioner is ready and willing to deposit the original tittle deeds of immovable property, its worth about Rs.5 Lakhs to the credit of Crime No.454 of 2019. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners along with the other accused persons conducted a chit fund and collected money from the general public and thereafter, they have not repaid the amount. Thereby, they cheated the defacto complainant and others. He further submitted that there are no previous cases pending as against the petitioners and also submitted that the investigation is still pending. However, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor submitted that the petitioners along with the other accused conducted a illegal chit fund and collected money from the general public to the tune of Rs.14,10,000/-, thereafter, they have not repaid the amount.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the copy of this order is made ready, the petitioners 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 Judicial Magistrate, Alandur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity

[b] the petitioners shall report before the respondent police every day at 10.30 a.m., until further order.

[c] each of the petitioner is directed to deposit the original tittle deeds of immovable property, its worth about Rs.5 Lakhs to the credit of Crime No.454 of 2019, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

20/11/2020

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 JUDICIAL MAGISTRATE,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
J-10, CHEMMANCHERI POLICE STATION,
CHENNAI.

+4 CC to M/S.J.ATHIAMAAN Advocate on payment of necessary charges SR.No 7734

CRL OP.15649/2020

Date :20/11/2020