



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9560 of 2020

Sivashanmugavishnupriya ... Petitioner/Accused -2

Vs

The Inspector of Police,
Central Crime Branch,
Trichy City, Trichy.
Crime No.6/2020.

... Respondent/Complainant

For Petitioner : M/s.P.Babu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No. 6 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

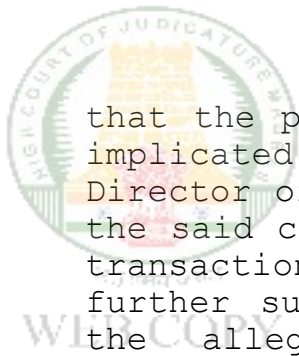
The petitioner/A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of I.P.C., in Crime No.6 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A-1 was running a Chit Company in the name and style of 'Shree Rathina Sai Chit Private Limited' and the petitioner was working under A-1 in the capacity as Manager. The petitioner and A-1 said to have collected a sum of Rs.50 lakhs from 45 depositors and failed to return the amount to the depositors. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted

<https://hcservices.ecourts.gov.in/hcservices/>



that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that she is not a Director of the said Chit Company and she was working as Manager of the said company from 28.01.2019 and she was nothing to do with the transactions between the company and the defacto complainant. He further submitted that, even according to the defacto complainant the alleged transactions took place between 25.09.2019 to 24.03.2020. Further, to show her bonafidy she is ready and willing to deposit original title deed for the substantial amount. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the petitioner is arrayed as A-2 and A-1 is Managing Director of 'Sree Rathina Sai Chit Private Limited' and the petitioner was working as Manager of the said company and they have collected nearly Rs.50 lakhs from 45 depositors, thereafter, failed to return the amount as assured by them and thereby, they have cheated the public money to the tune of Rs.50 lakhs. Therefore, custodial interrogation of the petitioner is very much required in this case. He vehemently opposed to grant anticipatory bail to the petitioner.

6.It is seen from the records that totally there are two accused in which according to the prosecution, the petitioner was Manager of the said Chit company and they have collected a sum of Rs.50 lakhs from 45 deposits. However, the petitioner is ready and willing to deposit title deed for the substantial amount.

7. Considering the fact and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a original title deed stands in the name of herself or her relative or her friends which is not less than the value Rs.25 lakhs with proper valuation certificate issued by the concerned authorities to the credit of Crime No.6 of 2020 before the learned Judicial Magistrate No.II, Tiruchirappalli.

8. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or her 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, Tiruchirappalli, and on his executing 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 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

<https://hcservices.ecourt.gov.in/hcservices/> (b)the petitioner shall report before the respondent police



daily at 10.30 a.m., without fail for a period of Two weeks and thereafter, as and when required 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/11/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPPALLI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TRICHY CITY, TRICHY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9560 of 2020
Date : 23/11/2020

KSA

<https://hcsa.ecm.mys.gov.in/hcsa/2020.12.2020>) 3P / 5C