

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.978 of 2021

1. T.Valli @ Valliammal ... Petitioners
2. Thanigachalam
3. B.Jamuna @ Nadhiya

-Vs-

State Rep by ... Respondent
The Inspector of Police, (crime)
H-4, Korukkupet Police Station,
Chennai District.
(Crime No.01 of 2021)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.01 of 2021 is pending on the file of the respondent police.

For Petitioners : Mr.G.Thangavel
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest for the alleged offences under Section 420 of IPC, in Crime No.1 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are running a chit business and they have received a sum of Rs.45,00,000/- from the defacto complainant. Further, they have not repay the amount and cheated the defacto complainant. Hence, the complaint was registered.

3.The learned counsel for the petitioners would submit that there was some dispute between the petitioners and the defacto complainant. He would further submit that earlier the petitioners

had given a complaint against the defacto complainant stating that the defacto complainant had refused the amount and cheated the petitioners and the summon was issued to the defacto complainant dated 17.12.2019 and not appear for the enquiry. Therefore the civil suit has been filed by the petitioners for recovery of money in O.S.No.9461 f 2019 on the file of the XVI Principal Judge, City Civil Court, Chennai and the same is pending. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit the petitioners are running a chit business and they have received a sum of Rs.45,00,000/- from the defacto complainant. Further, they have not repay the amount and cheated the defacto complainant. He would further submit that there was some dispute between the petitioners and the defacto complainant. He would further submit that civil suit is pending before the Lower Court. He would further submit that there is no previous case pending as against the petitioners.

5. Considering the facts and circumstances of the case and that the civil suit is pending and there is no previous case pending as against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the XV Metropolitan Magistrate Court, George Town, Chennai. on condition that 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 Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 as and when required for interrogation.

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

[d] the petitioners 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 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.

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

-sd/-
17/02/2021

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 XV METROPOLITAN MAGISTRATE COURT,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
H-4, KORUKKUPET POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.G.THANGAVEL Advocate on payment of necessary charges SR.NO.1798

CRL OP.978/2021

Date :17/02/2021

TA-01/03/2021