

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5990 of 2021

V.S.J.Srinivasan

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Central Crime Branch,
Team-32, Chit and Kanthuvatti Team,
Vepery, Chennai.
(Crime No.72 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.72 of 2021 on the file of Respondent police.

For Petitioner : Mrs.A.L.Gandhimathi for
Mr.J.Suresh

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A1 . The petitioner, who was arrested and remanded to judicial custody on 09.03.2021 for the offence punishable under Sections 406, 420, 506(i) of I.P.C. Section 4(1) r/w 76(1) of the Chit Fund Act, 1982, in Crime No.72 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have running an unregistered chit, in which, the defacto complainant has paid a sum of Rs.80,000/-, without repaying the amount, they have absconded. Hence, a criminal case has been registered and the petitioner was arrested and remanded to judicial custody on 09.03.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that it is a false allegation made against the petitioner. Earlier, another complaint has been filed against the petitioner in Crime No.324 of 2020 as if the petitioner has cheated, in which, this Court has granted bail on certain conditions to deposit a sum of Rs.70 lakhs and he has also complied with the condition. Thereafter, the present complaint has been filed and he was arrested on 09.03.2021. In this case, the petitioner's wife, who was arrayed as A2 has been granted anticipatory bail with a condition to deposit a sum of Rs.80,000/- and the entire amount has been deposited now. Hence, he has filed this petition seeking to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that now the entire amount has been paid by A2 and the investigation is almost completed. However, she strongly opposed to grant bail to the petitioner.

5. I have heard and considered rival submissions made by learned counsel appearing for petitioner as well as learned Additional Public Prosecutor appearing for respondent and perused the records.

6. Taking into consideration of the fact that the allegation against the petitioner is that he has collected a sum of Rs.80,000/- towards chit transaction and failed to repay the amount. Now, it is stated that the entire amount has been paid by A2, the petitioner's wife and also considering the period of incarceration suffered by the petitioner from 09.03.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judge, CCB-CBCID, Egmore, Chennai and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, after his release from prison, shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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/-
25/03/2021

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 LEARNED JUDGE,
CCB-CBCID, EGMORE, CHENNAI.

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

3 THE OFFICER INCHARGE,
SUB-JAIL, SAIDAPET, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM-32, CHIT AND KANTHUVATTI TEAM,
VEPERY, CHENNAI - 07.

+1CC to M/S. J.SURESH Advocate on payment of necessary charges SR NO.3993

CRL OP.5990/2021

Date :25/03/2021