

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.9052 of 2021

1 Saravanan

2 Chinnaraja Chinnusamy

... Petitioners

Vs.

State Rep by

the Inspector of Police,
Tiruppur CCB, Tiruppur,
Tiruppur District.

(Cr. no. 7 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail to the petitioner in the event of her arrest in Crime No.7 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.C. Prakasam

For Respondent : Mr.A. Gopinath
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 3, 4, 5(a) of Prize Chits Money Circulation Schemes(Banning) Act, 1978 r/w 120(B), 406 and 420 of I.P.C in Crime No.7 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 fund in Tiruppur City and induced the defacto complainant to join as a subscriber and received Rs.1,00,000/- in two installments from him and failed to pay further installments. Due to which the petitioners illegally demanded money from the defacto complainant and other subscribers. Hence the defacto complainant has given a complaint before the respondent police.

3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and that she has been falsely implicated in this case. on instructions, submits that the petitioner, without prejudice to her rights, is ready to deposit the amount of Rs.25,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.25,00,000/- will be returned to the petitioners

4. The learned Government Advocate (Crl.Side) submits that the petitioners illegally demanded money from the defacto complainant and other subscribers. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the submission so made by the learned counsel on either side and further the petitioners, on his own volition, is ready and willing to deposit Rs.25,00,000/- to the credit of the above Crime No., this Court is inclined to grant anticipatory bail to the petitioners with some stringent conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.1, Tiruppur, Tiruppur District, 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 shall deposit a sum of Rs.25,00,000/- (Rupees Twenty five Lakhs Only) jointly to the credit of Crime No. within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made the same shall be disbursed to the defacto complainant and other depositors by the learned Judicial Magistrate, No.1, Tiruppur, Tiruppur District after obtaining an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.25,00,000/- paid to him by the petitioner will be returned to the petitioner.

(b) the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(g)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 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]; and;

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

-sd/-
18/06/2021

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 JUDICIAL MAGISTRATE,
NO.I, TIRUPPUR, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

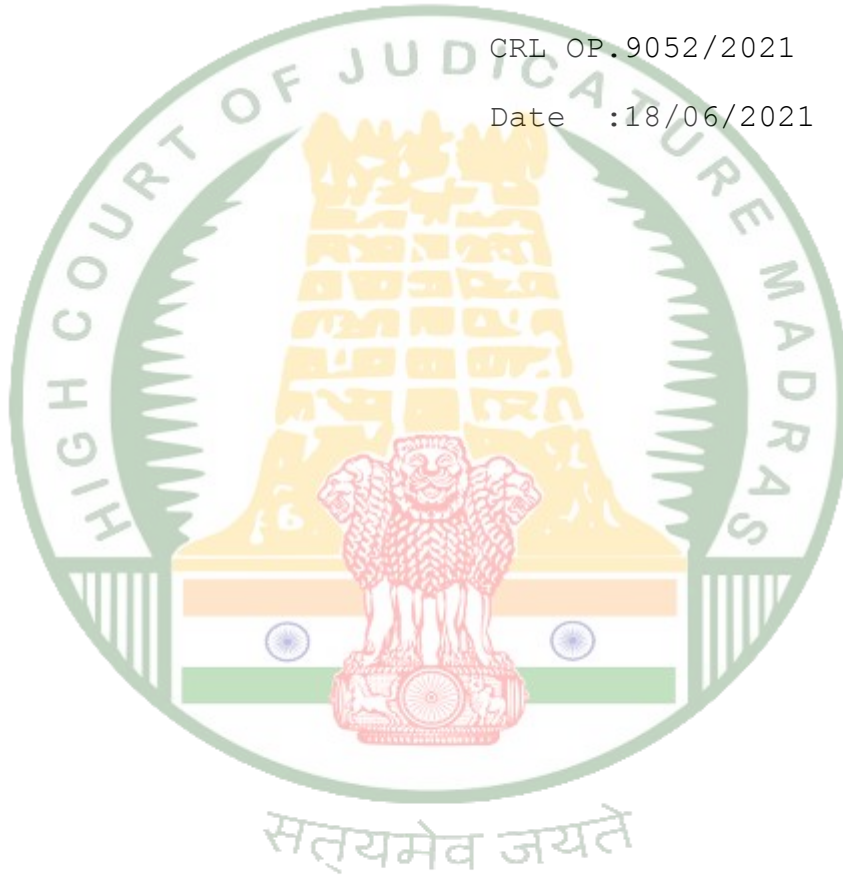
4 THE INSPECTOR OF POLICE,
TIRUPPUR CCB, TIRUPPUR,
TIRUPPUR DISTRICT.

CC to M/S C.PRAKASAM Advocate on payment of necessary charges

CRL OP.9052/2021

Date :18/06/2021

cs 13/07/2021



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