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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10869 of 2021

1.Ranjith Kumar
2.Annadurai

... Petitioners/Accused Nos.1 & 2

-Vs-

State Rep.By
The Inspector of Police,
Economic Offence Wing,
Villupuram.
(Crime No.1 of 2021)

... Respondent/Complainant

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.1 of 2021 on the file of the respondent police.

For Petitioners : M/s.N.Vinothini

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420 of IPC and 4(1), 76(1) of Chit Fund Act, 1982, 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 and other accused persons who were doing real estate business in the name and style of Vikraman Real Agency, had induced several investors under the guise of allotting land and collected amount from the them in the form of chit fund to the tune of Rs.1,98,000/- and thereafter, they neither registered the land nor repaid the money and subsequently, absconded. Hence, the Law Enforcing Agency registered a case against the petitioners.



3.The learned counsel appearing for the petitioners submit that the petitioners are innocent and they have not been committed any offence as alleged by the prosecution. On instructions, he further submits that the petitioners, without prejudice to their defence and contentions, are ready to deposit the alleged amount a sum of Rs.1,98,000/- (Rupees One Lakh and Ninty Eight Thousand Only) jointly to the credit of Crime No.1 of 2021 to show their bonafide and he has no objection in the amount being disbursed to the defaco complainant/victim.

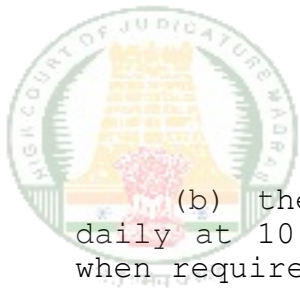
4.The learned Government Advocate (Criminal Side) would submit that the petitioners and other accused persons were doing real estate business and had induced several investors under the guise of allotting land and collected amount from the them in the form of chit fund to the tune of Rs.1,98,000/- and thereafter, they neither registered the land nor repaid the money and absconded. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant anticipatory bail to the petitioners on certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Villupuram, on condition that each of 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 petitioners 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;

(b) the petitioners are directed to deposit a sum of Rs.1,98,000/- (Rupees One Lakhs and ninety Eight Thousand Only) by way of Demand Draft to the credit of Crime No.1 of 2021, before the learned Judicial Magistrate No.I, Villupuram, without prejudice to their defence before the trial Court within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioners. Thereafter, the learned Judicial Magistrate is directed to disburse the amount of Rs.1,98,000/- to the defacto complainant/victim on filing of appropriate undertaking affidavit before the trial Court.



(b) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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(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) the possession of the defacto complainant over the subject premises shall be not disturbed without due process of law;

(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]; and;

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

-sd/-
25/06/2021

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, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
VILLUPURAM.

CC to M/S.N.VINOTHINI Advocate on payment of necessary charges

CRL OP.10869/2021

Date :25/06/2021

cs 22/07/2021