



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20604 of 2021

1 D.KUPUSAMY
2 K.TAMIZHARASI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CCB, EGMORE,
CHENNAI
(CRIME NO.172/2019)

[RESPONDENT]

For Petitioner : M/S R.SARAVANAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of I.P.C. in Cr.No.172 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are husband and wife and they are alleged to have run un-recognized chit fund and collected a sum of Rs.1 Crore and 95 Lakhs from 55 victims and cheated them.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel further submitted that earlier for



the very same offence the law enforcing agency registered F.I.R. in Crime No.360 of 2019 for the offence under Sections 406 and 420 of I.P.C., and the petitioners son approached this Court seeking bail by filing Crl.O.P.No.20371 of 2019 and this Court vide order dated 09.08.2019 granted bail to him. Hence, registering another F.I.R. for the very same offence is un-sustainable one.

4.The learned Government Advocate submitted that the F.I.R. in Crime No.360 of 2019 was registered on the ground that the accused collected 25 sovereigns of gold jewels from the defacto complainant therein and did not return the same and further, the accused conducted illegal chit and escaped from the locality. He further submitted that the investigation in the said crime number was subsequently transferred to CCB and re-registered as CCB Crime No.337 of 2020 on 19.12.2020. However, F.I.R. in Cr.No.172 of 2019 was registered on the allegations that the accused collected a sum of Rs.1 Crore and 95 Lakhs from 55 victims and cheated them.

5.The learned counsel appearing for the petitioners contends that earlier for the very same offence the law enforcing agency registered F.I.R. in Crime No.360 of 2019. However, the fact remains that F.I.R. in Crime No.360 of 2019 was registered on the ground that the accused collected 25 sovereigns of gold jewels from the defacto complainant therein and did not return the same and further, the accused conducted chit and escaped from the locality. The investigation in the said crime number was subsequently transferred to CCB and re-registered as CCB Crime No.337 of 2020 on 19.12.2020 and F.I.R. in Cr.No.172 of 2019 was registered on the allegations that the accused collected a sum of Rs.1 Crore and 95 Lakhs from 55 victims and cheated them. Hence, considering the huge amount involved in the present case, this Court is not inclined to grant anticipatory bail to the petitioners.

6.This criminal original petition is accordingly dismissed.

-sd/-
01/11/2021

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.



1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
CCB, EGMORE, CHENNAI.

+2 CC to M/S R.SARAVANAN Advocate on payment of necessary
charges SR.NO.12306

CRL OP.20604/2021

Date :01/11/2021

RW 12/11/2021