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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24392 of 2021

1 VIJAYAKUMAR [PETITIONERS / ACCUSED]
2 SHANMUGAPRIYA

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
CHENNAI DISTRICT.(CR.NO.29 OF 2021)

For Petitioner : M/S. M.SIVAKUMAR Advocate

For Respondent : MR.L.BASKARAN,Govt. Advocate(Crl. Side)

For Intervenor : MR.K.THENRAJAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 of IPC r/w Section 120B of IPC and Section 76 of Chit Fund Act, 1982 in Crime No.29 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have received money for conducting chit and subsequently the said amount was not repaid to the defacto complainant and other subscribers. Despite repeated requests made by the defacto complainant, the petitioners have not paid the money and abused the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners have attempted to settle the issues by selling their properties to prove the same, they have also produced two receipts which reveals that on 20.10.2021, the

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petitioners prepared to sell their property to the third party by way of sale deed on 21.10.2021. Based on the above receipts for proposed registration, the petitioners are ready to settle the issues but the petitioners are apprehending arrest. Further, the petitioners intended to sell two more properties to settled the outstanding to the depositors. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that in an earlier occasion, the matter was referred to Mediation for which, this Court appointed Mr.C.P.Sivamohan as Mediator, to disburse the amount outstanding payable by the petitioners to the subscribers of the chit, within a period of three months. The matter is not settled in the Mediation talk and there is no change of circumstances. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that there is no change of circumstances and the matter also not settled as they promised before this Court on an earlier occasion, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
22/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
CHENNAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 MR.C.P.SIVAMOHAN, (MEDIATOR)
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

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4 THE ASSISTANT REGISTRAR
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

+1CC to M/S. K.THENRAJAN Advocate on payment of necessary charges SR.No.6082

CRL OP.24392/2021

Date :22/04/2022

CSK 28/04/2022

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