



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.844 of 2022

WEB COPY

1.Divya
2.Senthil

..Petitioners

Vs

State by: The Inspector of Police
Central Crime Branch, Team-VII,
Egmore, Chennai.
(Crime No.209 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.209 of 2021 on the file of the respondent police.

For Petitioners : Mr.V.Logeswaren

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

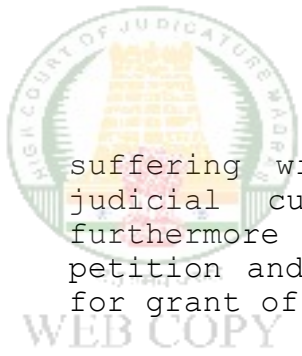
ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 29.11.2021 for the offences under Sections 406, 420, 506(i) of IPC r/w 76(1) of Chit funds Act, 1982 in Crime No.209 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant had joined in various chit fund schemes conducted by the petitioners and paid a sum of Rs.15,84,295/- by cash and further he has paid a sum of Rs.21,50,000/- as loan for which, the petitioners have to pay a sum of Rs.37,34,295/- and when the defacto complainant demanded to pay the money, they both had issued cheques. But the same was returned unpaid and the defacto complainant was also threatened by the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Admittedly, the petitioners have borrowed money from the defacto complainant and due to Corona pandemic, they were unable to return the same and in order to collect the money, a false complaint has been lodged against the petitioners. He would further submit that the petitioners have got two school going children and they have been



suffering without parental care as the petitioners have been in judicial custody for more than 45 days from 29.11.2021. He furthermore submits that earlier this Court has dismissed the bail petition and this is the second bail petition. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that apart from the defacto complainant, 22 other customers have paid amount in the chit conducted by the petitioners and both have not repaid the same and that the total chit amount comes to the tune of more than Rs.1 Crore.

5. Considering the above facts and circumstances of the case and that the amount involved is more than Rs.75 lakhs and also considering the undertaking of the petitioners that they are ready to deposit an amount of Rs.30,00,000/- to the credit of Crime Number and that the incarceration suffered by the petitioners all these days, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) the petitioners shall deposit a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) to the credit of Crime No.209 of 2021 within two weeks from the date of receipt of a copy of this order and on such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

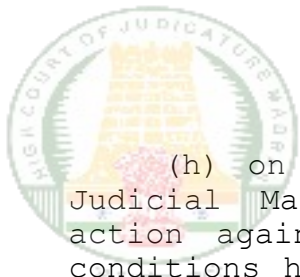
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

(e) the petitioners shall not commit any offences of similar nature;

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

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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

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

-sd/-

12/01/2022

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 CCB & CBCID METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM-VII, EGMORE, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S. V.LOGESWAREN Advocate on payment of necessary charges Sr.619

CRL OP.844/2022

Date :12/01/2022

RVR 19/01/2022