



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.3349 of 2022

1.K.Ravichandran
2.Vanaja

...Petitioners

Vs.

The State Represented by
The Inspector of Police,
Economic Offence Wing (EOW),
Cuddalore District.
(Crime No.2 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest by the respondent police concerned with crime No.2 of 2021, pending investigation on the file of the respondent Police.

For Petitioners : Mr.K.Gandhi Kumar

For Respondent : Mr.L.Baskaran

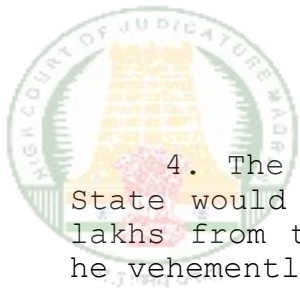
Government Advocate (Cr1. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC and Section 4(1), 76(1) of the chit funds Act, 1982, in Crime No.2 of 2021, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioners running a unregistered chit funds and collected the money from various persons including the defacto complainant. Further, the petitioners had cheated the defacto complainant and others. Hence, the law enforcing agency registered a case as against the petitioner.

3. The learned counsel for the petitioners would submit that due to the Covid pandemic situation the petitioners are not able to repay the amount, now, they ready to settle the amount to the defacto complainant. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (crl.side) appearing for the State would submit that these petitioners swindled more than fifty lakhs from the poor people including the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail.

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5. On seeing the facts, it is clear that the petitioners running the unregistered chit company from the year 2016, in which, the defacto complainant deposited a sum of Rs.6,00,000/- and the petitioner failed to repay the same.

6. Considering the money dispute between the parties and the petitioners are agreed to settle the entire amount, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned **Chief Judicial Magistrate Cuddalore District**, on condition that the petitioner shall execute a bond for 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakh Only) (each) to the credit of crime No.2 of 2021 on the file of the Chief Judicial Magistrate, Cuddalore, within a period of three weeks from the date of receipt of a copy of this order. On such deposit, the petitioners 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 **learned Chief Judicial Magistrate Cuddalore District**, failing which the bail granted by this Court shall stand dismissed automatically;

[b] 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;

[c] **the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three months and thereafter as and when required for an interrogation;**

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



[e] the petitioners shall not abscond either during investigation or trial;

[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 has been imposed and the petitioners are 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/-

10/03/2022

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 CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING (EOW),
CUDDALORE DISTRICT.

+1 CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges SR.NO.3750

CRL OP.3349/2022

Date :10/03/2022

TA-16/03/2022