



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.2561 of 2022

1.Mallika B ... Petitioner
2.Rubin Kanth
3.Tamizharasi

Vs.

The State Represented by, ... Respondents
The Inspector of Police,
Erode North Police Station,
Erode District.

Now transferred to
The Inspector of Police,
Economic Offences Wing, Erode
Erode District.
Crime No.621 of 2021.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.621 of 2021 pending on the file of the respondent police.

For Petitioners : M/s.C.S.Sravanan
For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC subsequently transferred to 406 and 420 IPC r/w Section 76(1) of Chit funds Act and Section 5 of Tamil Nadu



Protection of Interests of Depositors (In Financial Establishments) Act, 1997, in Crime No.621 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 along with other accused conducted unregistered chit funds and cheated the subscribers for more than 15 years. Hence, the defacto complainant lodged a complain before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners have committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are ready to co-operate for investigation The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.10,00,000/- (Rupees Ten Lakhs only) each by the first and second petitioner and Rs.5,00,000/- by the third petitioner** to the credit of the **Crime Number 621 of 2021**. Hence, he prays for grant of anticipatory bail to the petitioners with any conditions.

4. The learned Additional Public Prosecutor submits there are totally 14 victims and he further submitted that more about 7 crores was involved. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the First Information Report.

6. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Special Sessions Court for trial of cases under the TNPID Act, Coimbatore** on condition that 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 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 1st and 2nd petitioners shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only each and the 3rd petitioner shall deposit Rs.5,00,000/- to the credit of **Crime Number 621 of 2021** within a period of fifteen (15)



days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier before the **Special Sessions Court for trial of cases under the TNPID Act, Coimbatore** On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the the total amount of Rs.25,00,000/- was deposited by the petitioners to the credit of **Crime Number 621 of 2022** within a period of two weeks;

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(c) **the petitioners shall appear before the respondent police as and when required for 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 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]**.

(g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/02/2022

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 SPECIAL SESSIONS COURT
FOR TRIAL OF CASES UNDER THE TNPID ACT,
COIMBATORE.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE DISTRICT.

4 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
ERODE
ERODE DISTRICT.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary
charges

CRL OP.2561/2022

Date :03/02/2022

TA-17/02/2022