



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7282 of 2022

1 K.ANNASAMY

[PETITIONERS / ACCUSED]

2 A.REKHA

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
J-4 KOTTURPURAM POLICE STATION,
KOTTURPURAM, CHENNAI-600 085.
(CR.NO.82 OF 2022)

For Petitioner : M/S.S.BALARAMAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners herein apprehending arrest on the complaint given by one Mrs.A.Kumudha alleging that, they have cheated a sum of Rs.20,00,000/-, for offences under Sections 406, 420, 506(1) of I.P.C., in Crime No.82 of 2022, seeks anticipatory bail.

2. From the complaint, it appears that, 1st petitioner was running an unregistered Chit company and entice the defacto complainant and her mother to subscribe to a tune of Rs.10,00,000/- each and collected monthly installments. However, even after completion of the chit period, the 1st petitioner failed to pay the money and his wife, who is the 2nd petitioner threatened the defacto complainant when they asked the petitioners to return the money. Alleging that, the petitioners have purchased lands at various places from out of the cheated money, the defacto complainant sought action against the 1st petitioner, who impersonated himself as Police Constable in J-4, Police Station, while he was only a Home Guard and the 2nd petitioner for abetting the 1st petitioner.



3. The Learned Counsel for the intervenor states that the 1st petitioner is now arrested and would submit that, the 2nd petitioner had aided and abetted the 1st petitioner in the said forgery and chit company was run jointly by 1st petitioner and the 2nd petitioner.

4. However, in this Anticipatory Bail petition, it is stated that, in the chit company, the defacto complainant, her mother and friends were subscribers. While her mother and others auctioned the chit bid and withdrew the money and refused to pay the subsequent installments. The defacto complainant using her instrument started abusing the petitioners in filthy language and refuse to pay the money due to the petitioners. The petitioners has already given complaint to the respondent police on 29.04.2021 in which C.S.R.No.125 of 2021 was registered, till date, no action has been taken against the defacto complainant and her instrument, who attacked the petitioners and abused with filthy language. Again, on 13.07.2021, there was a complaint given by the petitioners against the defacto complainant in C.S.R.No.196 of 2021 due to the said enmity, present complaint has been filed with false averments.

5. From the submission of the Learned Counsel for the intervenor, this Court understanding that, the 1st petitioner has already been arrested. Therefore, the petition for anticipatory bail for the 1st petitioner/K.Annasamy is dismissed. Regarding anticipatory bail for the 2nd petitioner/A.Rekha is granted.

6. Accordingly, the petitioner/A2 is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned IX Metropolitan Magistrate Court, Saidapet, on condition that the petitioner/A2 shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties 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 and on further condition that:

(a) the petitioner/A2 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;

(b) the petitioner/A.Rekha (A2) shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner/A2 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner/A2 shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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;

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

-sd/-

30/03/2022

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 IX METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
J-4 KOTTURPURAM POLICE STATION,
KOTTURPURAM, CHENNAI-600 085.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.BALARAMAN Advocate on payment of necessary
charges SR.No.4850

CRL OP.7282/2022

Date :30/03/2022

CSK 04/04/2022