



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.7598 of 2022

ARIVAZHAGAN @ ARIVU

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
EOW POLICE STATION,
VILLUPURAM DISTRICT
CR. NO. 1/2021

[RESPONDENT]

For Petitioner : M/S. S.SENTHILNATHAN Advocate

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

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420 of IPC and Section 4(1) and 76 (1) of the Chit Funds Act, 1982 in Crime No.1 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other seven accused persons have running a office in the name of Sri Thiruvikraman Real Agency in which they are selling 1200 sq.ft house plots on monthly installments of Rs.1,100/- and they were allotted to an extent of 1200 sq.ft for the person who are joined in the scheme and they will register a plot in the name of the individual at their own cost who are joined in the scheme and they will register a plot in the name of the individual at their own cost and also assured that they will give gift, otherwise they will repay the amount in double. Believing the same, the defacto complainant along with her relatives paid a total sum of Rs.1,32,000/- through monthly installments for house plots. But, the petitioner and other accused neither allot the plots nor repay the amount to the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner is an innocent persons and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

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4. Taking into note of the fact that this incident was happened in year of 2016, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate, Villupuram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation;

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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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/-

07/04/2022

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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 CHIEF JUDICIAL MAGISTRATE
VILLUPURAM

2 THE INSPECTOR OF POLICE,
EOW POLICE STATION,
VILLUPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SENTHILNATHAN Advocate on payment of necessary charges Sr.5386

CRL OP.7598/2022

Date :07/04/2022

RVR 18/04/2022