



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9781 of 2022

PANDIDURAI @ HARIHARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-1, EGMORE,
CHENNAI.
CRIME NO.63/2022.

For Petitioner : M/S.V.RAMAMURTHY Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 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 offences punishable under Sections 406, 420, 294(b) & 506(i) of IPC and Section 70(1) of the Chit Fund Act, 1982, in Crime No.63 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.As per the averment made in the complaint given by R.Helan, it is alleged that the money was collected from the general public towards Deepavali fund, Pongal fund and Monthly chit fund by the petitioner along with other accused between 01.10.2019 and 20.02.2022, but they did not return the collected fund money to the general public on maturity. The family members of the first accused Shanmugasundari @ Sundari are arrayed as an accused in this case. Since it is alleged that the first accused has engaged her family members to collect monthly installments from the subscribers, this petitioner, who is the son of the first accused is before this Court seeking anticipatory bail.



3. On the prime ground is that the petitioner during the year 2019-2020 was a juvenile and he has attained majority only in the year 2021 and he never been involved in the crime and taking note of the fact that the petitioner was minor during the alleged point of time and even if there was any money paid to the defacto complainant and others, he could not be prosecuted for the said purpose, in view of his minority. In any event, it is not the case for custodial interrogation of the petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

4. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Special Judge CCB/ CBCID, Chennai, 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, failing which the anticipatory bail shall stand cancelled and on further condition 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 Investigating Officer 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 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.

WEB COPY

-sd/-
27/04/2022

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 JUDGE
CCB/CBCID, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH -1,
EGMORE, CHENNAI.

CC to M/S.V.RAMAMURTHY Advocate on payment of necessary charges

CRL OP.9781/2022

Date :27/04/2022

RW 02/05/2022