



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11929 of 2022

1 AYYADURAI [PETITIONERS / ACCUSED]
2 GOWRI
3 ASANGAN

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO.169/2022)

For Petitioner : M/S.A.ARUNKUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

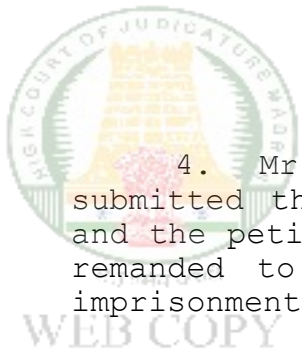
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.169 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the accused persons have run a chit fund in the name and style of Janagan's Chit fund. After collecting the amount of Rs.9,75,000/- from the defacto complainant and after maturity, they failed to return the amount to the defacto complainant.

3. The learned counsel for the petitioners would submit that the second accused, who is one of the sons of the first petitioner herein actually runs the chit fund and the petitioners are no way connected with the chit fund. They have not collected any money from the defacto complainant.



4. Mr. A.Damodaran, learned Additional Public Prosecutor submitted that there are totally four accused persons in this case and the petitioners are arrayed as A1, A3 and A4. A2 was arrested and remanded to Judicial custody and he is still in incarceration / imprisonment.

5. The learned counsel for the petitioners would submit that the petitioners are ready and willing to deposit original title deed to the tune of Rs.10,00,000/-. Therefore, he prays for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit **original title deed of the property stands in the name of the petitioners or relatives or their friends to the tune of Rs.10,00,000/- along with solvency certificate, within a period of four weeks from the date on which the order copy made ready**, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Thiruvarur on condition that each 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 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.

[b] the petitioners shall **deposit original title deed of the property stands in the name of the petitioners or relatives or their friends to the tune of Rs.10,00,000/- along with solvency certificate, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.**

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/05/2022

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 JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.A.ARUNKUMAR Advocate on payment of necessary charges SR.NO.7776

CRL OP.11929/2022

Date :20/05/2022

TA-25/05/2022