



Crl.O.P.No.20178 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(i) IPC and Section 4 of Prize Chit and Money Circulation Schemes (Banning) Act, 1978, in Crime No.547 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A1/Balasubramaniam, who is the Managing Director of Just Win IT Technologies India chit Company, introduced some attractive schemes for depositing money in his chit Company, which made the defacto complainant and 29 others to deposit a total sum of Rs.37,00,000/- in the said Company during the year 2021. However, out of 30 depositors, 8 persons were not paid with any maturity amount including the complainant and the when the defacto complainant questioned about the said maturity amount, the petitioners threatened the defacto complainant with dire consequences. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocents, they have nothing to do with the offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners are family members, they were running the chit Company and they collected huge amount from the 29 subscribers of its Company to the tune of Rs.37 lakhs and involved in cheating. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are four accused in this case in which, the first petitioner is arrayed as A4 and the second petitioner is not an accused therefore, the petitioners apprehend arrest at the hands of the respondent police. As far as the first petitioner is concerned, who is arrayed as A4, son-in-law of A1. Further, the first accused was arrested and remanded to judicial custody and except the relationship of son-in-law, the petitioner has nothing to do with the crime as alleged by the



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prosecution. Further, the first accused received huge amount from the victims and failed to repay the said amount and the petitioner neither the Director nor the partner of the said Company. Therefore, custodial interrogation of the petitioners do not required in this case.

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

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court No.5, Salem, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:



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[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 report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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 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]**.

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

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