



Crl.O.P.No.20548 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 409 IPC read with Section 4(1) and 76(1) of the Chit Funds Act, 1982 in Crime No.11 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police alleging that he had joined a chit for 2 Lakhs with the unregistered chit conducted by the petitioner's father and paid to the tune of Rs.63,200/-. However, the petitioner's father committed suicide on 15.07.2021 and died. Therefore, the petitioners promised to return the amount, within few days by selling their house and thereafter absconded. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are arrayed as A2 and A3. The respondent has registered the F.I.R as against the dead person, who is none other than the father of the



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petitioners herein. He would further submit that the father of the petitioners conducted chit, however he died when the victims demanded to repay the money. Therefore, the petitioners have assured the victims that they will return the money. This is the statement that the petitioners made to the victims, except this allegation, there is no other allegation as against the petitioners. However, the property worth about 4 Crores stands in the name of the petitioner's father, therefore, the petitioners are ready and willing to deposit the original title deed as security. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant joined a chit for 2 Lakhs with the unregistered chit conducted by the petitioner's father and paid to the tune of Rs.63,200/-. However, the petitioner's father committed suicide on 15.07.2021 and died. Therefore, the petitioners promised to return the amount, within few days by selling their house and thereafter absconded. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit original title deed of the house property stands in the name of the petitioner's father namely (late) M.Murugesu Nadar along with the valuation certificate obtained from the authority concerned and on such deposit, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Chief Metropolitan Magistrate for EOW cases, Egmore, Chennai 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 first petitioner 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; second petitioner shall appear before the respondent police 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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