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Crl.O.P.No.21562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21562 of 2022

A.Logu @ Loganathan @ Jagan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Team VII, Chits & Exorbitant Interest Team,
O/o. The Commissioner of Police,
Vepery, Chennai 600 007.
Crime No.151 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.151 of 2022 pending
investigation on the file of the respondent Police.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2022 for the offences punishable under Sections 120 B and 420 of IPC and Section 76(i) of Chit Funds Act, 1982 in Crime No.151 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused, had run an unregistered Chit and collected money from the public to the tune of Rs.12,72,000/-. Hence the complaint.

3. Mr.G.Mohanakrishnan, the learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely roped in this case, since the main accused happens to be his relatives. He would also submit that the petitioner is a Government Servant, working as Office Assistant in Secretariat, Chennai and he is living separately, whereas, the petitioner's mother and sister without the knowledge of the petitioner, have been conducted an unregistered Chit and it seems that they have



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collected amount from the defacto complainant. He would further submit that the defacto complainant had sent a legal notice on 11.03.2022, in respect of dishonour of certain cheques, in that nothing has been stated about the petitioner and further, the defacto complainant had also sent a legal notice on 08.06.2022 to the sister of the petitioner regarding money dispute. In that also, the defacto complainant has not made any slightest murmur about the petitioner. Now finding that the petitioner is a Government Servant, he has been roped in this case in order to recover money from him. He would further submit that the petitioner was arrested on 20.08.2022 and now he has also been suspended from his job. He would also submit that a major part of the investigation is also over and without prejudice to the contentions, the petitioner is prepared to deposit a sum of Rs.1,00,000/- to the credit of the Crime No.151 of 2022 at the time of execution of the sureties. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, who is a Government Servant, along with his sister and mother, had conducted unregistered chit, collected



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money from the public and cheated them. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. In view of the above, it is seen that the allegations as against the petitioner is that the petitioner along with his sister and mother had run an unregistered chit and collected money from various persons. However, the case of the petitioner is that the defacto complainant has sent two legal notices earlier and in both the notices, no allegations has been made as against the petitioner.

7. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and that the petitioner is prepared to deposit a sum of Rs.1,00,000/- to the credit of the Crime No.151 of 2022, this Court is inclined to grant bail to the petitioner.



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8. Accordingly, the petitioner is directed to **deposit a sum of Rs.1,00,000/- (Rupees One Lakh only)** to the credit of Crime No.151 of 2022 at the time of executing sureties and the learned Magistrate shall redeposit the same in interest bearing deposit, and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court for CCB & CBCID Cases, Egmore, Chennai** and on further conditions that:

[a] 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] 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]**;

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

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To

1. The Special Court for CCB & CBCID Cases,
Egmore, Chennai.
2. The Inspector of Police,
Team VII, Chits & Exorbitant Interest Team,
O/o. The Commissioner of Police,
Vepery, Chennai 600 007.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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