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Crl.O.P.Nos.23129 & 23131 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner in both petitions who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC r/w Sections 76(1), 4(1) of Chit Funds Act, 1982, in Crime No.1 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are husband and wife and they were running unregistered chit and collected to the tune of Rs.3,14,000/- from the defacto complainant. It is further alleged that after maturity, the petitioners failed to repay the said amount. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are ready to deposit some reasonable amount to the credit of crime. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that there are 12 victims and insofar as the defacto complainant alone the petitioners cheated a sum of Rs.3,14,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also the submission made by the learned counsel appearing for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) jointly to the credit of Crime No.1 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be 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 learned Chief Judicial Magistrate, Cuddalore, on condition that the petitioners shall execute a separate bond



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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 a sum of Rs.5,00,000/- (Rupees Five lakhs only) jointly, to the credit of Crime No.1 of 2022, 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 report before the respondent police daily at 5.30 p.m. for a period of four 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.



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[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.

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