



Crl.O.P.Nos.24917 & 25270 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 109, 120B, 506(2) IPC in Crime No.29 of 2022, seek anticipatory bail.

2. The case of the prosecution is that one Manavalan/A1, brother of the petitioner in Crl.O.P.No.24917 of 2022 was running a Chit business and provision shop at Gengapuram Village, Villupuram. Whereas, the defacto complainant on 01.01.2020, had joined 2 chits of Rs.5,00,000/-, one in his name and another in the name of his daughter one Srimullai. Thereafter, the defacto complainant paid monthly instalments promptly for a period of 21 months to A1 or to his family members one Ezhumalai/A2, Mahalakshmi/A5, Meerabhai/A6 and they are liable to pay chit amount for a sum of Rs.7,00,000/- to the defacto complainant. Similarly, many other persons have joined the chit and A1 cheated them, without paying their chit amounts. In such circumstances, the defacto complainant approached A1 to return the chit amount which is due to him. But A1 has failed to return the money and threatened the



the defacto complainant with dire consequences. Hence, the complaint.

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3. The learned counsel for the petitioners would submit that the petitioner in Crl.O.P.No.24917 of 2022 is the brother of the main accused and the petitioners in Crl.O.P.No.25270 of 2022 are the wife, daughters of the main accused. He would submit that A1 was a business man and he was running a grocery shop for several years and he used to borrow money from several persons for his business and during covid time, he sustained severe loss in the business and he was unable to repay the dues to the creditors. Thereby, he had filed I.P.No.1 of 2022 to declare him insolvent and he has also included the name of the defacto complainant as well as the name of the other creditors as respondents in the IP application. Also that A1, without suppressing the facts had disclosed all the list of properties in his name and in the name of his family members. In order to arm twist the relatives and recover the money, the petitioners' name have been implicated in this case. He would further submit that asfar as the petitioner in Crl.O.P.No.24917 of 2022 is concerned, he is a permanent resident of Chennai and he is doing business. Asfar as the petitioners in Crl.O.P.No.25270 of 2022 is concerned they are the wife and daughters of A1, who have nothing to do with the business dealings



of A1. He would submit that A1 was only running a grocery shop and a case of financial dispute and non repayment of debt has been falsely projected as if A1 was running an unregistered chit and collected money from several persons and cheated them. He would further submit that A1 has been arrested and enlarged on bail in Crl.O.P.No.29326 of 2022 . Thereby, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are the family members of A1, who have cheated the defacto complainant and several other victims in the guise of running an unregistered chit to the tune of Rs.1,37,60,900/-.Hence, he vehemently opposed to grant of anticipatory bail to the petitioners. However, he would submit that A1 has been arrested and released on bail.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.

6. Considering the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain



conditions.

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7. Accordingly, the petitioner in Crl.O.P.No.24917 of 2022 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Ambattur and the petitioners in Crl.O.P.No.25270 of 2022 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 learned Judicial Magistrate-I, Tindivanam on condition that the petitioners in both the Crl.O.P's shall execute a separate 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 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 report before the respondent police daily



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at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[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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