



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20610 of 2022

V.Vinoth,

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Fort Police Station,
Trichirappalli District
(Crime No.1469 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Saranya D, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

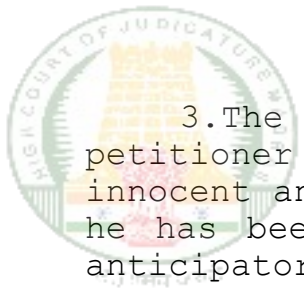
PRAYER :-

For Anticipatory Bail in Crime No.1469 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 and 120(b) IPC and Section 4(1) of Chit Fund Act, in Crime No.1469 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 being the Directors of Eaglo Sathish Chits Private Limited and the petitioner was working as an employee under A1 and A2. The accused persons conducted Diwali Chit Fund and collected money from the depositors and after the chit period was over, the petitioner along with A1 and A2 had misappropriated the matured amount and failed to repay the amount to the depositors. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is an employee of the above chit funds and he is an innocent and he has no way connected with the alleged occurrence and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

WEB COPY

4.The learned Government Advocate(Crl.Side) would submit that there are three accused in this case and the petitioner is arrayed as A3 and he was working as an employee of the said Chit fund. The petitioner along with A1 and A2 collected money from the depositors and after the chit period was over, they had misappropriated the matured amount and failed to repay the said amount to the depositors and the petitioner is having no previous case. He would further submit that the total misappropriated amount involved in this case is Rs.70 lakhs and 700 victims were suffered by the accused persons and A1 and A2 are the main accused in this case and three witnesses have been examined and the investigation is still pending. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the facts that there is no specific overt act attributed against the petitioner and also the facts that the petitioner is not having any bad antecedents and three witnesses have been examined sofar, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.1469 of 2022 before the learned Judicial Magistrate No.I, Trichy, without prejudice to his rights and contentions before the trial Court.

7.On such deposit being made, the petitioner 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner 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 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
TRICHY.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
FORT POLICE STATION,
TRICHIRAPPALLI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20610 of 2022
Date :22/11/2022

sj
PKP/BUC/SAR-3/29.11.2022/3P/5C