

Crl.O.P.No.4822 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 406 & 420 IPC and section 5 of the Tamil Nadu protection of Interest Depositors(In Financial Establishment) Act in Cr.No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running a unregistered chit. In that, the defacto complainant joined as a subscriber and paid monthly subscription of a sum of Rs.1000/- per month from 07-01.2012 to 13.05.2017. Totally a sum of Rs.65,000/- was paid by the defacto complainant. Further, after completion of chit the petitioner has not repaid the same. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to co-operate for the investigation and hence, he prays to grant anticipatory bail to the petitioner.



4.The **learned Government Advocate (Crl. side)** submits that the petitioner was running a unregistered chit and by giving false promise, he has received a sum of Rs.51,25,200/- from the subscribers and there are nearly 75 complaints registered against the petitioner. In this case, a sum of Rs.65,000/- was paid by the defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner is ready to co-operate for the investigation, and he is ready to deposit an amount of Rs.10,00,000/- to the credit of the Crime number and further more, it is made clear that there will be no modification entertained in the present order, because the petitioner himself agreed to deposit the said amount without prejudice to his claim, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakh only) to the credit of Crime No.03 of 2021 within a period of eight weeks from the date of receipt of a copy of this order and on such deposit, the petitioner is ordered to be released on



anticipatory 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 I, Kancheepuram,,* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties out of which one surety shall be a blood surety 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 and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of **Rs.10,00,000/- (Rupees Ten Lakh only)** to the credit of Crime No.03 of 2021 within a period of eight weeks from the date of receipt of a copy of this order. Failing which, the anticipatory bail shall be canceled automatically.

(c)the petitioner shall report before the respondent police every day except Friday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;



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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 anticipatory 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;

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

03.03.2023

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