

CrI.O.P.No.9811 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 3, 4, 5(a) of Prize Chit and Money Circulation Schemes (Banning) Act, 1978 and Sections 120(b), 406, 420 of IPC in Crime No.7 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 Chit fund in Tiruppur City and induced the defacto complainant to join as a subscriber and received Rs.1,00,000/- chit for the period of 20 months on 18.05.2018. After joining in the Chit the defacto complainant paid Rs.5,000/- every month to the petitioner's collection agents, and even after completion of 20 months the petitioner not yet disbursed Rs.1,00,000/- chit amount to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that this is the 3rd anticipatory bail petition. The petitioner has mobilised the amount of Rs.4,00,000/- and taken Demand Draft, bearing Nos.002173 & 002183, dated 27.02.2023 & 13.03.2023 towards the account of learned Judicial



Magistrate No.I, Tiruppur, in Crime No.7 of 2023 by mentioning its C.C.No.750 of 2023. Even after taken the above demand draft, the petitioner could not able to deposit the condition amount and surrender sureties before the learned Judicial Magistrate, since the above condition period for depositing the amount was expired by more than 4 weeks. Hence, he filed this petition and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that final report has already been filed and investigation has also been completed. He further submitted that the petitioner has deposited a sum of Rs.4,00,000/- to the credit of Crime No.7 of 2021, as already ordered by this Court.

5. Considering the facts and circumstances of the case and the submission made by the learned Government Advocate (Crl.Side) and the petitioner had deposited a sum of Rs.4,00,000/- to the credit of Crime No.7 of 2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial**



Magistrate, No.I, Tiruppur, Tiruppur district on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)**, with two sureties (**out of which, one surety shall be a blood related 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 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 appear before the trial Court on every hearing without fail.

(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 anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the

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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.

02.11.2023*rri***CrI.O.P.No.9811 of 2023**