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CrI.O.P.No.10545 of 2023

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K. KUMARESH BABU, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.59 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, namely Mr. Balakannan lodged a complaint alleging that he was induced by the petitioners and two others to deposit Rs.75,000/- per month in the chit company namely M/s. Thiruvannamalaiyar Chit Fund by Rajvinayak. Believing the words of the petitioners, the defacto complainant deposited chit amount for a sum of Rs.15,00,000/-, but the same was not returned by the chit company after its maturity period. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not involved in the business activity of M/s.Thiruvannamalaiyar Chit Funds and that they did not commit any



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such offence as alleged by the defacto complainant. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioners have cheated the defacto complainant by not repaying the chit amount deposited by the defacto complainant after its maturity period. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;



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7. Accordingly, the petitioners 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, Ambattur**, on condition that petitioners 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 everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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