



Crl.OP.No.12049 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.12049 of 2023

Chinnaraja

... Petitioner

Vs.

The State Rep by,
The Inspector of Police,
Tiruppur CCB,
Tiruppur, Tiruppur District.
(Crime No.07 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.07 of 2021, on the file
of the Respondent Police.

For Petitioner : Mr.T.Elumalai

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



CrI.OP.No.12049 of 2023

WEB COPY

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 12.10.2022 for the offences punishable under Sections 3, 4, 5(a) of Prize Chit and Money Circulation Schemes (Banning) Act, 1978 and Sections 120(b), 406 and 420 of I.P.C. in Crime No.07 of 2021 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the Petitioner along with the other accused was running a Chit Funds Company in the name of Sri A.S. Chit Funds at Tiruppur District, which was duly registered under the Companies Act. While so, the *de-facto* Complainant, who was one of the subscriber joined in a chit scheme of Rs.1,00,000/- for the period of 20 months. The *de-facto* Complainant paid a sum of Rs.5,000/- regularly for every month to the Petitioner's Company for the said period. Thereafter, the Petitioner has not disbursed the chit amount of Rs.1,00,000/- to the *de-facto* Complainant even after the completion of 20 months. Hence, the *de-facto* Complainant lodged a Police complaint before the Respondent on



Crl.OP.No.12049 of 2023

12.03.2021. Based on which the Respondent/Police registered F.I.R. against the Petitioner and other accused and arrested the Petitioner.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in this case as he was working as a paid salary worker in the Chit Company. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent objected the submissions made on behalf of the Petitioner by stating that the Petitioner and other accused was running a Chit Company and there were nearly about 56 subscribers/victims, who have not yet received any amount from the Chit Company and he states that a sum of Rs.87,62,150/- was not paid to their subscribers as of now. He would further submit that the said amounts are yet to be recovered and the investigation is yet to be completed and if the Petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.



Crl.OP.No.12049 of 2023

WEB COPY

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:

7. Accordingly, the Petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.07 of 2021 before the learned Judicial Magistrate No-I, Tiruppur, Tiruppur District and on such deposit, the Petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No-I, Tiruppur, Tiruppur District and on further condition that:



Crl.OP.No.12049 of 2023

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.07 of 2021 before the learned Judicial Magistrate No-I, Tiruppur, Tiruppur District;

(c) The final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

(d) the Petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(e) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(f) the Petitioner shall not abscond either during investigation or trial;



CrI.OP.No.12049 of 2023

WEB COPY

(g) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(h) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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

25.05.2023

Jeni/Mpl

To

1. The Judicial Magistrate No-I,
Tiruppur.
2. The Inspector of Police,
Tiruppur CCB,



Crl.OP.No.12049 of 2023

WEB COPY

Tiruppur, Tiruppur District.

3. The Sub Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.OP.No.12049 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

Jeni/Mpl

Crl.O.P.No.12046 of 2023

25.05.2023