

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14338 of 2023

Jahir @ Jaffar Sathick @ A.Jaffar Ali

... Petitioner

Vs.

State rep by
The Inspector of Police
CCB Police Station,
Tiruppur.

Crime No.11 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.11 of 2023 on the file of
the respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.05.2023 for the offences punishable under Sections 120(B), 406 and
420 of IPC r/w Sections 4(1) and 76(1) of Chit Fund Act, 1982, in Crime
No.11 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Kannusamy is that the petitioner along with other accused have promoted unauthorized chitt and cheated several depositors to the tune of Rs.1,08,93,000/-. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and other than being the brother of the main accused, he has nothing to do with the alleged offence. He would further submit that the petitioner is in custody from 20.05.2023 and that the major part of the investigation has been completed. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is arrayed as A4 and he along with his brother and other accused have cheated several depositors to the tune of Rs.1,08,93,000/- and after that, some property have been purchased in the name of wife of A3. Hence, he would oppose for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the wife of A3 is none other than the daughter-in-law of A1 and the

petitioner has not received any amount. Hence, he prayed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

7. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 **learned Judicial Magistrate No.II, Tiruppur**, and on further conditions that:

[a] 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 everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

27.06.2023

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To

1. The Judicial Magistrate No.II,
Tiruppur.
2. The Inspector of Police,
CCB Police Station,
Tiruppur.

3. The District Jail,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,

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