



Crl.O.P.No.21754 of 2023

Orders Reserved on
27.09.2023

Orders Pronounced on
29.09.2023

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RMT. TEEKAA RAMAN., J.

The petitioners are arrayed as A.1 & A.2. The respondent police has registered a case against the petitioners based on the complaint given by one Nirmala W/o.Rajendiran, for the alleged offences under Sections 406, 420 IP. The petitioners are apprehending arrest at the hands of the respondent police in the case registered in Crime No.1252 of 2021, seek anticipatory bail.

2. The prosecution case is that the petitioners who are husband and wife are relatives of the defacto complainant. As per complaint, the petitioners and defacto complainant were running a chit business for seven years. During 2019, both of them has started the huge amount Chit and the petitioners have engaged 12 members in the chit and they have drop the chit in between and in the mean time, due to that, some wordy quarrel arose between the petitioner and the complainant on 05.12.2019, as a result of this, the petitioners have made a promise to return back the chit amount which



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involved Rs.30,00,000/- (thirty Lakhs), within a period one month time. On failure to pay the said amount, the defacto complainant has lodged the complaint before the respondent police on 07.07.2021. As per the complaint, the respondent police has registered a case against the petitioners on 16.08.2021 in Crime.No.1252/2021 u/s.406, 420 IPC.

3. The learned counsel for the petitioners would submit that the first petitioner has entered into one chit to the tune of Rs.5 lakhs and the second petitioner to the tune of Rs.5 lakhs. However, complaint was given to the respondent police, as if Rs.24 lakhs has been defrauded by the petitioners and seek anticipatory bail to the petitioners.

4. The learned counsel for the intervenor would contend that the chit was conducted both by the defacto complainant and the petitioners herein and A.1 has introduced multiple persons, however they have disappeared and discontinued and hence the amount cheated by them is also included to his credit.



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5. The learned Government Advocate (crl.side) would contend that the chit company run by the petitioners is an unregistered chit and that the matter is under investigation.

6. Heard the learned counsel for the petitioners as well as the intervenor and the learned Government Advocate (crl.side).

7. Considering the nature and gravity of the offence and the submissions made by the rival parties and also taking note of the fact that the chit company is an unregistered one, I am inclined to grant anticipatory bail to the petitioners.

8. 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 is made ready, before the learned **Judicial Magistrate – II, Ponneri** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned



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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 deposit a sum of Rs.2 lakhs each to the credit of Crime No.1252 of 2021.

[c] shall report before the respondent police on every Wednesdays and Saturdays at 10.30 a.m., until further orders.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the



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petitioner 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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