



Crl.O.P.No.24610 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioners are husband and wife and also incidentally A1 and A2 in Crime No.7 of 2023 registered under Sections 406 and 420 IPC read with 76(1) of the Chit Funds Act, 1982, seek anticipatory bail.

2. It is stated by the learned Government Advocate (Criminal Side) that the Petitioners had operated unregistered chit and in that manner, the defacto complainant had invested his hard earned money to the total sum of Rs.4,90,000/-.

3. It is the contention of the learned counsel for the Petitioners that the 2nd Petitioner alone is running the Chit Fund and the 1st Petitioner/Husband is working in Metropolitan Transport Corporation Department.

4. It is stated by the learned counsel for the Intervenor that even according to the calculations given in the petition seeking anticipatory bail, the total sum of amount comes to more than Rs.3,00,000/-. But it is



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contended that the amount to be paid by the defacto complainant is Rs.2,51,252/-.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners by directing the Petitioners **to jointly deposit a total sum of Rs.2,00,000/- to the credit of Crime No.7 of 2023 before the Chief Metropolitan Magistrate Court at Egmore. On such deposit, the learned Chief Metropolitan Magistrate may issue notice to the defacto complainant and hand over the said sum of Rs.2,00,000/- to the defacto complainant.**

6. 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 Chief Metropolitan Magistrate Court at Egmore**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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



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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 1st Petitioner shall appear before the respondent daily at 10.30 a.m., until further orders and the 2nd Petitioner shall appear before the respondent once in a week i.e., every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for the interrogation.

[c] the petitioners are directed to jointly deposit a total sum of Rs.2,00,000/- to the credit of Crime No.7 of 2023 before the Chief Metropolitan Magistrate Court at Egmore. On such deposit, the learned Chief Metropolitan Magistrate may issue notice to the defacto complainant and hand over the said sum of Rs.2,00,000/- to the defacto complainant.

[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.



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[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 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.11.2023
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Note : The Chief Metropolitan Magistrate, Egmore is directed to forward the copy of this order to the Chairman/ Managing Director, Metropolitan Transport Corporation Limited, Chennai with reference to one of their employees namely G.Srinivasa, S/o.Govindarajalu, who is an Accused in Crime No.7 of 2023.



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