



Crl.O.P.No.30059 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No.675 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with others conducted a Deepawali Chit Fund in the year 2018 and they have collected a sum of Rs.5,00,000/- from the defacto complainant and others. Thereafter, they have asked to return back the money, the accused persons were paid the chit amount to 80 people and not repaid the same to 40 people and they sought time to repay the chit amount, but, so far, they have not returned the money. It is further alleged that through the defacto complainant, the members were joined in the chit, the above 40 persons were insisted the defacto complainant to pay the chit amount. Due to which, the defacto complainant borrowed a loan of Rs.5,44,200/- and paid to the above 40 subscribers, but so far, the accused did not repay the amount. Hence, the complaint.



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3. When the matter came up for hearing on 20.12.2023, this Court granted interim anticipatory bail to the petitioner with condition that the petitioner shall deposit Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Cr.No.675 of 2022, before the concerned Magistrate on or before 24.01.2023 and on such deposit, the defacto complainant is permitted to withdraw the said amount on proper identification and acknowledgment and the matter was posted for reporting compliance on 24.01.2023. When the matter was taken up for hearing on 24.01.2023, the learned counsel for the petitioner stated that due to financial crunch he could not able to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Cr.No.675 of 2022, and sought for short accommodation to get the instruction from the client, hence, the matter was adjourned to 25.01.2023. When the matter was taken up today (25.01.2023), the learned counsel for the petitioner submitted that the petitioner shall be able to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) without prejudice to her claim to the credit of Cr.No.675 of 2022 and the learned counsel for the intervenor also not raised any objection for that. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate No.II, Poonamallee**, on condition that each of the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties (out of which, one surety should be blood surety) 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 is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)**, to the credit of Cr.No.675 of 2022, before the concerned Magistrate within a period of fifteen days from the date of receipt of copy of this order and on such deposit, the defacto complainant is permitted to withdraw the said amount on proper identification and acknowledgment

[b] the petitioner 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.

[c] the petitioners are directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of six weeks and thereafter as and when required for interrogation;

[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 petitioner in accordance with law as if the conditions



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have been imposed and the 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]**.

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

25.01.2023

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