



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 07/03/2023

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.1519 of 2023

1. Saranya,
2. Surya,
3. Suganya,
4. Kaliyappan @ Kanagaraj,
5. Ponrasu @ Ponraj,
6. Arumugam,

... Petitioners/Accused Nos.4 to 9

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch,
Dindigul District,
In Crime No.39 of 2022.
... Respondent/Complainant

For Petitioner : M/s.Niranjana.S.Kumar

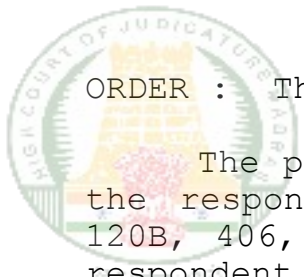
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.R.Alagumani

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.39 of 2022 on the file of the
Respondent Police.



ORDER : The Court made the following order :-

The petitioners/A4 to A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 406, 420 of I.P.C in Crime No.39 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that accused No.1/Arumugam was running a chit, Diwali Fund and an entrepreneur at Kubambapatti for the past 15 years. The first accused had promised the participants of the chit that he would pay 3% interest every month on the accounted principal amount. Believing the said words, the Villagers had invested the money and the first accused had cheated a sum of Rs.6.5 crores. In accordance with the issue, the first accused promised to settle the entire dues by selling his complex. But the first accused had sold the property to a third party and now, he is absconding. Based on the complaint lodged by one Nalla Thambi, F.I.R has been registered by the respondent police against 9 accused in Crime No.39 of 2022.

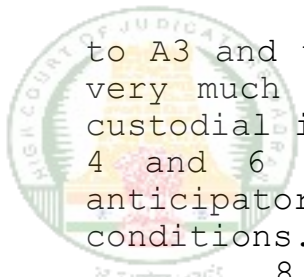
3.The learned counsel appearing for the petitioners would submit that the petitioners are arraigned as Accused Nos.4 to 9, in which, the petitioners 3 and 5/A6 and A8 were arrested and remanded to judicial custody. Insofar as other petitioners are concerned, who are none other than the daughters and son-in-law of the first accused. The first accused was running a Textile business, and he used to supply the Textiles on credit. Thereafter, he used to collect from the purchasers in monthly equal installments. Thereby, he gained a name from the public for the past 20 years. Thereafter, he started a chit and Diwali fund business even before 20 years back. After maturing the chit and Diwali fund amount, he used to keep the matured amount and has given only interest for the same. One fine morning, he sold out the complex, which was owned by him, and escaped from his native place. The petitioners, who are being the daughters and son-in-law, were kept in dark by Accused Nos.1 to 3. In fact, the son-in-law was employed under the first accused for a monthly salary, and they do not possess any property and they did not have any bank account. He further submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prayed for a grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners appeared before the respondent Police for enquiry and their statements were recorded by the respondent Police and the investigation is under progress.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.It is true that the first accused used to collect money from the public. While pending the application, this Court directed the petitioners to appear before the respondent Police for enquiry and they appeared for enquiry and their statements were also recorded by the respondent Police.

7.On a perusal of the statements revealed that the petitioners did not have any property in their name and also no Bank account stands in their name. The entire amount was swindled by A1



to A3 and they escaped from their native place. The petitioners are very much available in their respective residents. Therefore, the custodial interrogation of the petitioners, namely petitioners 1, 2, 4 and 6 do not require and this Court is inclined to grant anticipatory bail to the petitioners 1, 2, 4 and 6 with certain conditions.

8. Insofar the petitioners 3 and 5 are concerned, they were arrested and remanded to judicial custody. Hence, the petition is dismissed in respect of the petitioners 3 and 5.

9. Accordingly, the petitioners 1, 2, 4 and 6 are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. II, Dindigul, on condition that the petitioners 1, 2, 4 and 6 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on the further condition that:

(a) the petitioners 1, 2, 4 and 6 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 1, 2, 4 and 6 shall report before the respondent police daily morning at 10.30 a.m and evening at 05.30 p.m., until further orders.

(c) the petitioners 1, 2, 4 and 6 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 1, 2, 4 and 6 shall not abscond 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 petitioners 1, 2, 4 and 6 in accordance with law as if the conditions have been imposed and the petitioners 1, 2, 4 and 6 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] and;

(f) if the accused/petitioners 1, 2, 4 and 6 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

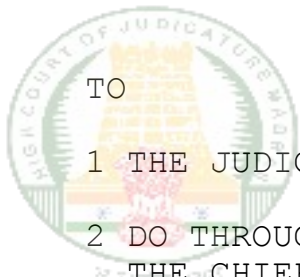
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07/03/2023

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 DO THROUGH,

THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NIRANJAN.S.KUMAR Advocate SR.No.3639

ORDER

IN

CRL OP (MD) No.1519 of 2023

Date : 07/03/2023

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