



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.3742 of 2023

1.B.Vasanthi

2.Bharath Kumar

...Petitioners/Accused nos. 4 & 5

-vs-

The State represented by
The Deputy Superintendent of Police,
EOW-II, Nagercoil.
Kanyakumari District.
(in Cr.No.1 of 2023)

...Respondent/Complainant

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.1 of 2023 on the file of the Respondent Police.

For Petitioners : Mr.C.K.M.Appaji, Advocate

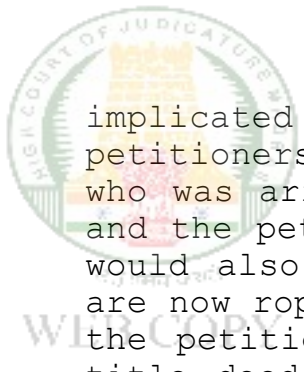
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 20.01.2023 for the offences punishable under Sections 406, 420 and 120(b) of IPC and Section 5 of TNPID Act, 1997 in Crime No.1 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused had running a chit fund in the name of "M/s.Moovattumugam Siva Sastha Chit Fund Private Limited" and induced several depositors to invest in their monthly chit scheme and had collected amounts to the tune of Rs.18,00,000/- from more than 12 depositors and had cheated them. Hence, the complaint.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely



implicated in this case. He would further submit that the petitioners are respectively the wife and son of Late Sree Kumar, who was arrayed as A3 in this case and he was running the business and the petitioners have nothing to do with the alleged offence. He would also submit that since A3, Sree Kumar died, the petitioners are now roped-in in this case as accused. He would also submit that the petitioners are ready and willing to jointly deposit original title deed worth of Rs.10,00,000/-. Hence, he would seek bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are Directors of "M/s.Moovattumugam Siva Sastha Chit Fund Private Limited" and they along with other accused have induced the de-facto complainant and other investors to invest amount and cheated them to the tune of Rs.18,00,000/-. Hence, he would object for bail to the petitioners.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioners are in judicial custody from 20.01.2023, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to 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 Special Court for TANPID Cases, Madurai and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity; The petitioners shall jointly deposit title deeds of immovable properties worth of Rs.10,00,000/- either belonging to them, friends or relatives.

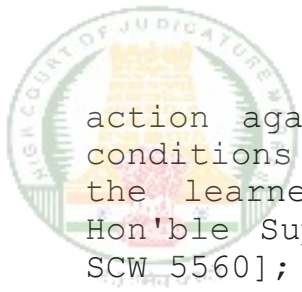
(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/02/2023

/ TRUE COPY /

27/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

- 1 THE JUDGE,
SPECIAL COURT FOR TANPID CASES, MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
EOW II, NAGERCOIL,
KANYAKUMARI DISTRICT
- 3 THE SUPERINTEINDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-2929[I] dated 27/02/2023)

ORDER
IN
CRL OP(MD) No.3742 of 2023
Date :27/02/2023

PKP/SSS/SAR-/27.02.2023/3P/6C