



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

Date : 05.04.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.6279 of 2023

C.Kohila ... Petitioner / 3rd Accused

Vs

- 1.The Inspector of Police,
CCB, Madurai City.
(Crime No.1 of 2023) ... 1st Respondent / Complainant
- 2.MG Armugam ... 2nd Respondent /
Defacto Complainant

For Petitioner : Mr.B.Suriya Narayanasamy, Advocate

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 IPC and Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments)Act, 1997 in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and her parents have been running chit funds in the name of Sri Lakshmi Chits at Madurai. The defacto complainant had invested huge amount into the said company and the petitioner and her family members are liable to return a sum of Rs.25.05 Lakhs to the defacto complainant. For the said purpose, they issued undated cheque and promissory



notes to the defacto complainant. With the help of the money received from the various depositors, the accused persons settled their children. When the investors demanded return of money, the accused persons denied the same. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the daughter of A1 & A2. After her marriage, she is living in the matrimonial home and she is no way connected with her parents and she also terminated the relationship with her parents. She never collected money from the victims as alleged by the prosecution. The entire chit transaction was conducted by her parents only. The second accused in this case also filed a petition for declaration to declare herself as insolvent. Therefore, the petitioner is an innocent person and her custodial interrogation is not required in this case.

4.The learned Additional Public Prosecutor appearing for the first respondent would submit that there totally three accused, in which the petitioner herein arrayed as A3. All the accused jointly conducted chit business and collected to the tune of Rs.1 Crore and 16 Lakhs from the general public and failed to return the amount, thereby, they have cheated the general public. In fact, the marriage of the petitioner herein was celebrated in a grand manner by using the money collected from the general public. That apart, no accused is arrested and as such, the custodial interrogation of the petitioner is very much required. Though the petitioner got married, she has also collected money from the victims. Hence, he prayed for dismissal of this petition.

5.Heard both sides and perused the materials available in the record.

6.On perusal of complaint revealed that the petitioner along with A1 & A2, collected huge amount from the general public and failed to return the same. So far no one is arrested and as such, the custodial interrogation of the petitioner is very much required. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
05/04/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

<https://www.mhc.tn.gov.in/judis>



To

1.The Inspector of Police,
CCB, Madurai City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.SURIYA NARAYANASAMY B, Advocate (SR-5485[I] dated
06/04/2023)

ORDER

IN

CRL OP(MD) No.6279 of 2023

Date :05/04/2023

ED/SSS/SAR-3 (21/04/2023) 3P 4C