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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.17510 of 2023

S.Kohila,

... Petitioner/ Accused No.3

Vs

1.The Inspector of Police,
CCB Madurai City,
Crime No.1/2023.

1st Respondent/ Complainant

2.M.G.Arumugam,

Defacto Complainant

For Petitioner : M/s.Sundaresan.N,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.1/2023 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

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the offences punishable under Section 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 amount 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. He would further submit that the petitioner/A3 has already filed a petition in CrI.O.P(MD)No.11043 of 2023 seeking anticipatory bail. This Court, vide order dated 21.06.2023, allowed the said petition by imposing the condition that the petitioner shall deposit the original title deed not less than the value of Rs.1 Crore along with proper valuation certificate, either belonging to the petitioner, friends or relatives, to the credit of Crime No.1 of 2023 before the learned Judicial Magistrate No.1, Madurai, without prejudice to her rights and contentions. Since the said conditional order has not been complied with, the petitioner has filed the petition for modification of the said condition, however, the said modification petition is dismissed on 28.07.2023. Thereafter also, the petitioner has not complied with the said condition. In these circumstances, she filed the present petition seeking anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the first respondent would submit that there are 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. Though the petitioner got married, she has also collected



money from the victims. He would further submit that the parents of the petitioner, namely, the accused Nos.1 and 2 were arrested on 05.08.2023 and they are in custody.

Hence, he prayed for dismissal of this petition.

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

6. The main allegation in the First Information Report is that the petitioner along with her parents have collected huge amount from the general public and failed to return the same. However, the contention of the petitioner is that her marriage was held in the year 2017 and thereafter, she has not involved in any transaction done by her parents. Further, it is stated that the parents of the petitioner, namely, the accused Nos.1 and 2 are in judicial custody from 05.08.2023.

7. Therefore, considering the facts and circumstances of the case and also considering the fact that the main accused Nos.1 and 2 are in judicial custody from 05.08.2023 and also considering the fact that the petitioner got married in the year 2017, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

8. Accordingly, the petitioner is ordered to be released on bail in the event of



arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Madurai on condition that the petitioner shall execute a 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 stand dismissed and on further condition that :

[a] 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.

[b] the petitioner shall report before the respondent police every day at 10.00 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions 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].

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

sd/-
06/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

1.The Judicial Magistrate No.1,
Madurai.

2 Do through the Chief Judicial Magistrate,
Madurai

3.The Inspector of Police,
CCB Madurai City.

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

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+1 CC to M/s.N.SUNDARESAN, Advocate (SR-14784[I] dated 06/10/2023)

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ORDER
IN
CRL OP(MD) No.17510 of 2023
Date :06/10/2023

SSA/JGB/13.10.2023/7P/6C

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