



Crl.O.P.No.5791 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.5791 of 2024

Govindan@Govindaraj

...Petitioner

Vs.

State rep by,
Station House Officer,
D' Nagar Police Station,
Puducherry District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.242 of 2023 on the file of the respondent police.

For Petitioner : Mr.SwamiSubramanian

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)

ORDER

The petitioner seeks bail in Crime No.242 of 2023 registered under Sections 420 r/w Section 34 of I.P.C and in Section 76 of the Chit Funds Act 1962 on the file of the respondent police.



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2. The case of the prosecution is that A1 is running a Chit Fund and collected money from the local public. It is stated that this petitioner/A2 assisted A1 and collected a sum of Rs.17,00,000/-.

3. The learned counsel for the petitioner submitted that A1 is the main accused who is running the Chit Fund and this petitioner did not involve in the said offence and he further pointed the period of incarceration suffered by the petitioner.

4. The learned Government Advocate appearing for the respondent raised objection stating that the investors are poor labourers and they had suffered due to the non-payment of chit fund amount. He further submitted that A1 had been arrested and granted bail by the Lower Court.

5. Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on condition to 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 **learned Judicial Magistrate No. I, Puducherry District** and on further conditions that:-

[a] 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, everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.242 of 2023 before the **Judicial Magistrate No. I, Puducherry District**. On such deposit, the **learned Judicial Magistrate No. I, Puducherry District** may retain the deposited amount in any fixed deposit earning interest till the date of final order.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] the petitioner shall not tamper with evidence or witness 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 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.

26.03.2024

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C.V.KARTHIKEYAN, J.

smn

To

1. The **Judicial Magistrate No. I, Puducherry District.**

2. Station House Officer,
D' Nagar Police Station,
Puducherry District.

3. The Central Prison, Puducherry

4. The Public Prosecutor, Madras High Court.

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