



Crl.O.P.No.8217 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 294(b), 506(i) of IPC and Section 4 of TNPHW Act, in Crime No.79 of 2024, seek anticipatory bail.

2. The case of the prosecution is that, as per the defacto complainant Srivithya, the petitioners started a chit business with 20 people including the defacto complainant. However, due to irregular payment of monthly chit amount by many subscribers including the defacto complainant, the petitioners along with other accused persons sustained loss in the said business. However, in order to repay the chit amount to the subscribers, the husband of the first petitioner took loan from M/s.Cholamandalam Finance Company and settled all the money. Even after receiving the entire amount, with an intention to grab more money from the petitioners, this false complaint has been lodged against the petitioners. Hence, the complaint.



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3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against them with an ulterior motive. He further submits that the co-accused A1 and A2 were arrested and released on bail. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to deposit a sum of Rs.50,000/- each to the credit of crime number. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally four accused in this case and the petitioners herein are arrayed as A3, who is the wife of A1, and A4, who is the wife of A2. He further submits that more than 20 victims were cheated by the accused and the amount cheated is Rs.40 lakhs. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.



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5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel that the petitioners without prejudice to their rights are volunteered to deposit a sum of Rs.50,000/- each, to the credit of the Crime Number, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned XXXIII Metropolitan Magistrate, Saidapet, Chennai*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, 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 and on further condition that:

(a) Each of the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.79 of 2024 before the learned XXXIII Metropolitan Magistrate Court, Saidapet, Chennai, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.



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[b] the petitioners 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;

[c] the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of eight weeks;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond 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]**;



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

7. For reporting Compliance on 07.06.2024.

03.04.2024

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