



Crl.O.P.No.9302 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A3 seeks anticipatory bail in Crime No.279 of 2023 registered by the respondent Police for the offences punishable under Sections 120 B, 294(b), 420 and 506(i) of IPC.

2. It is stated that A1 and A2 are son and mother and A3 is partner of A1.

3. It is the case of the prosecution that all the accused/petitioner started various agencies called Senthur Lucky draw chit, Chendhur commission chit, Sendur Velan Diwali Sweets chit, Sun educational services, Sun family club and Sri fitness Gym. They called themselves Sun Conglomerate. Naturally, when there is business spread over so many areas, keeping accounts would be little difficult.

4. It is the further case of the prosecution that the defacto complainant and the other victims were engaged on commission basis to



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entrol be students who decide to study abroad in private institutions. It was held out by the accused persons that if such students are brought in, commission would be paid to the defacto complainant and others.

5. On the other hand, it is the case of the accused person that the defacto complainant had opened a chit fund and also collected from the accused persons and it is stated that the amounts are payable and receivable both sides.

6. The learned Government Advocate (Crl. Side) however stated that it is the specific case of the respondent that totally eight victims had paid a total sum of Rs.1.95 lakhs on the promise of admission being obtained in various private institutions and commission had not yet been paid though amount had been received from the students.

7. The earlier application seeking Anticipatory Bail was dismissed by this Court on 11.01.2024 in Crl. O.P.No.26495 of 2023. However, on the same day anticipatory bail was granted to A2. A1 is still



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absconding.

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8. Taking into consideration the above facts, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Bhavani, Erode District, 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 daily at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.65,000/- (Rupees Sixty Five Thousand Only) to the credit of Crime No.279 of 2023



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before the Judicial Magistrate-II, Bhavani, Erode District. On such deposit, the learned Magistrate may retain the same in any fixed deposit earning interest and pass final orders on conclusion of the trial.

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

[e] the petitioner 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]**.

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

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