



Crl.O.P.No.13924 of 2023

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and Crl.M.P.No.18300 of 2023

C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.264 of 2023 registered by the respondent Police for the offences punishable under Sections 403, 406, 420 of IPC and Section 75 of the Chit Funds Act, an occurrence which took place between December 2019 and August 2021.

2. It is stated that the complaint was lodged and F.I.R. was registered on 13.04.2023.

3.It is the case of the prosecution that the petitioner is running Licensed Financial Institution and the defacto complainant had invested a sum of Rs.34/- lakhs, but the petitioner had not repaid the said amount nor was the defacto complainant may given the share out of profits from the company.

4. This Court had directed the respondent to issue notice under Section 41(A) Cr.P.C. and it is informed that the petitioner appeared before the investigating officer. A status report had also been filed, wherein it had stated that some witnesses had been examined and further investigation will have to be done. The defacto complainant had also entered appearance and the learned counsel stated that the petitioner had repaid a sum of



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Rs.7.5/- lakhs.

5. It is now being burden of the defacto complainant to tender creditable and admissible evidence during the course of trial to assist the prosecution to establish the case.

6. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate cum District Munsif, Madhavaram**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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, 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.



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[b] the petitioner shall report before the respondent police once a week i.e., every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[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 petitioners 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.

7. Consequently, connected miscellaneous petition is also allowed.

29.02.2024

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