



CrI.OP.No. 16055 of 2024

T.V.THAMILSELVI, J

The petitioner/A2, who apprehends arrest for the alleged offences punishable under Section 420, 120(B), 409 IPC r/w Sec.78(1) and 4(1) of the Chit Funds Act, in Crime No. 18 of 2022 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and his brother had invested their money in an unregistered Chit Fund Company, namely, JK Chits Pvt. Limited. A1 is the owner of the Chit Funds failed to repay the balance invested amount of Rs.44,60,500/-. In this regard, A1 and A3 were arrested by the respondent on 09.05.2024. The petitioner/A2 brother of person who introduced the de-facto complainant to A1. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has purchased the property from the de-facto complainant for valid consideration. Now, the dispute is between the de-facto complainant and the petitioners/A1 & A3. The petitioner herein has been falsely implicated arrayed as A2 as if he collected the chit amount with A1&A3 and the petitioners/A1&A3 tried to grab the property belongs to the de-facto complainant. Therefore, he



prayed for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent/State submitted that the petitioners/A1&A3 conducted unregistered Chit Fund Company. The de-facto complainant and his family members joined in the chit fund and invested their money to the tune of Rs.. The petitioner/A2 was also acted participation along with A1 and A3. After investing the amount made by the de-facto complainant and his family members, no amount was recovered from the petitioners and all the petitioners had cheated the amount for more than Rs.1 crore and also the petitioners with an intention to grab the property belongs to the de-facto complainant. Therefore, the learned Government Advocate raised objection for grant of anticipatory bail to the petitioner/A2.

5. On perusal of the records, it is seen that the property was purchased by the petitioner herein from the defacto complainant in the year 2016 for valid consideration. Now, the learned Counsel for the petitioner submitted that after seven years, a false complaint was given by the defacto complainant with intention to harass the petitioner/A2 and to grab the property. As on date, the dispute is between the petitioners/A1&A3 and the de-facto complainant.

6. Taking into the above facts and circumstances of the case, and the



submissions made by the learned Counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Chief Metropolitan Magistrate, Egmore***, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties [Out of two sureties, one should blood surety] 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 and on further condition that:

[a] the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] this Court directs the petitioner/A2 to deposit the original title deed in respect of sale deed to the Credit of Crime No.18 of 2022 within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police on every Wednesday at 10.00 am for three months.



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[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 has been imposed and the petitioner is 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

(h) the petitioner/A2 is directed to file an affidavit before the Court below "not to create any encumbrance over the property". Liberty is granted to the respondent to proceed further without influence of the order of this Court.

11.07.2024

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