



Crl. O.P. No.19839 of 2024

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P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 406 and 420 of IPC in Cr. No.17 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner was conducting bid chit, festival chits in the locality for the past 8 years and the 1st petitioner approached the defacto complainant on various occasions and explained about the chit and requested to join in the chits and believing the words of the accused, the defacto complainant joined in the chit totaling to the value of Rs.9 lakhs from the period between 19.04.2021 and 07.12.2023 and she also recommended her friend to join the chit for a sum of Rs.3 lakhs and she also joined and paid a sum of Rs.22,105/- for a period of two months, that the 1st petitioner utilized the chit amount, which is entitled to the defacto complainant and swindled the chit amount and left the village along with the other petitioners/ accused, that the defacto complainant settled the defrauded amount of Rs.22,105/- to her friend and thereby, the petitioners alleged to have swindled the money of Rs.10,64,671/- from the defacto complainant and hence the case.



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WEB COPY 3. The learned counsel appearing for the petitioners would contend that in fact, the 2nd petitioner was doing textile business in the name and style of Aarthi Collections and a jewellery business and the 2nd petitioner started a chit business with his customers who were daily and weekly wagers in Tiruppur and after some period, as the customers who were working in the textile companies failed to pay the chit amount, the 2nd petitioner sustained loss, that the 2nd petitioner had compensated the chit amount from the profits from his other two businesses and he was constrained to close his business and he has also filed I.P. No.19 of 2024 before the Principal Sub Court, Tiruppur and the same is pending adjudication, that the 1st petitioner is no way connected to the textile business and the chit transaction, that the defacto complainant had received 90% of the realization amount from the 2nd petitioner, but suppressing the same, the defacto complainant has lodged a false complaint, that the defacto complainant is entitled to receive a sum of Rs.42,485/-, that arraying the minor son of the petitioners as accused, is not in accordance with law, that there is no specific allegation against him, that the respondent police, without verifying the veracity of the complaint, has registered the case, that the petitioners have been falsely implicated in this



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case, that they are ready to abide by any condition imposed by this Court and hence he prays for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (criminal side) appearing for the State would submit that the petitioners are husband and wife and they were running a chit business and collected amount from the customers to the tune of Rs.68,74,270/- and failed to return the chit amount, that huge amount is involved in this case, that investigation is pending and hence he strongly objected to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions put forth on either side and considering the fact that there is money dispute between the parties, that there is no previous case pending against the petitioners and even as per the FIR, the petitioners had lent money to the defacto complainant as loan, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are 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 learned



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Judicial Magistrate No.II, Tiruppur on condition that the petitioners

shall each 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 Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every day at 10.00 a.m. until further orders.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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 petitioners 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



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of Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

30.08.2024

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To

- 1.The Judicial Magistrate Court No.II, Tiruppur.
- 2.The Inspector of Police, District Crime Branch, Tiruppur District
- 3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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