



Crl.O.P. No.25010 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 316(2), 318(4) of BNS, 2023 in Crime No.283 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the 1st accused and the defacto-complainant are residing in the same area, the 1st accused and other accused persons were collected money from the public for Deepavali Chit fund. The defacto-complainant is one of the subscriber of Deepavali Chit Fund Scheme and she also paid Rs.12,000/-. But, the 1st accused failed to repay the chit amount and other Groceries item and they cheated for a sum of Rs.4,56,000/- from the defacto-complainant and other general public. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner was arrayed only as 2nd accused. This petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. There is no previous case as against this petitioner.



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Hence, he seeks anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) would submit that the 1st accused and other accused persons were collected money from the public for Deepavali Chit fund. The defacto-complainant is one of the subscriber of Deepavali Chit Fund Scheme. The accused persons were failed to repay the chit amount and they cheated the defacto-complainant and other general public. Already, the 1st accused was arrested and subsequently released on bail. There is no previous case as against this petitioner. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence and considering the charges levelled against the petitioner, the petitioner is the husband of the 1st accused, the entire allegations are as against the 1st accused, there is no overtact attributed against this petitioner, already the 1st accused was arrested and subsequently released on bail, there is no previous case is pending against the petitioner and also considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following



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conditions:

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[a] the petitioner shall report before the respondent police on every Saturday at 10.00a.m. until further orders;

[b] the petitioner 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.



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[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 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].

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

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