



Crl.O.P.No.26230 of 2023

Crl.O.P.No.26230 of 2023

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) and 76(1) of the Chit Funds Act and 120 (B), 406 and 420 of IPC, in Crime No.569 of 2022, seeks anticipatory bail.

2. There are totally three accused involved in this case and the petitioner is arrayed as A2. The case of the prosecution is that the petitioner along with other accused persons have conducted chit and requested the defacto complainant to join in the said chit. After completion of payment, the defacto complainant requested the petitioner to settle the amount, but, they have not repaid the amount and cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against her. However, on instructions, it is submitted that the petitioner without prejudice to her rights, is ready and



Crl.O.P.No.26230 of 2023

willing to deposit some amount to the credit of Crime No.569 of 2022 as may be directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons have conducted chit and requested the defacto complainant to join in the said chit. Therefore, the defacto complainant also joined in the chit. After making payment in full, the defacto complainant requested the petitioner to settle the amount, but she refused to repay the same and cheated the defacto complainant. He further submitted that A3 has been arrested and remanded to judicial custody. He also submitted that the petitioner has already granted anticipatory bail in Crl.O.P.No.2826 of 2023, on 20.02.2023, but she has not complied the conditions as imposed by this Court. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor raised strong objection stating that the petitioner along with other accused cheated the defacto



Crl.O.P.No.26230 of 2023

WEB COPY

complainant for non-payment of the chit amount. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner, learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7.Taking into consideration of the facts and submissions made by the learned counsel on either sides, and there is no specific overt act as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) to the credit of Crime No.569 of 2022** without prejudice to her rights and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of three weeks from the date on which the order copy made ready, before **the learned Principal District and Sessions Judge, Coimbatore** on condition that the petitioner shall



CrI.O.P.No.26230 of 2023

execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties (out of which one surety shall be a blood related 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, 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall deposit a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) to the credit of Crime No.569 of 2022, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant.

(c)the petitioner is directed to file an affidavit before the trial Court that she owned the property and the same was pledged in the bank; after discharge of the said loan, she has no objection to utilise the said



CrI.O.P.No.26230 of 2023

property for settling the dispute pending between the parties.

(d)the petitioner shall report before the respondent police on alternative days at 10.30 a.m., for a period of six months;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g) 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

T.V.THAMILSELVI, J.

rri

in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*;



Crl.O.P.No.26230 of 2023

and;

(h) if the accused thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC;

02.01.2024

rrr

Crl.O.P.No.26230 of 2023