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Crl.O.P.No.26495 of 2023

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and Crl.M.P.No.19024 of 2023

C.V.KARTHIKEYAN, J.

The petitioners/A1 to A3 seek anticipatory bail in Crime No.279 of 2023 registered by the respondent Police for the offences punishable under Sections 120 B, 294(b), 420 and 506(i) of IPC.

2. It is stated that A1 and A2 are son and mother and A3 is partner of A1.

3. It is the case of the prosecution that all the accused/petitioners started various agencies called Senthur Lucky draw chit, Chendhur commission chit, Sendur Velan Diwali sweets chit, Sun educational services, Sun family club and Sri fitness Gym. They called themselves Sun Conglomerate. Naturally, when there is business spread over so many areas, keeping accounts would be little difficult.

4. It is the further case of the prosecution that the defacto complainant and the other victims were engaged on commission basis to



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entrol be students who decide to study abroad in private institutions. It was held out by the accused persons that if such students are brought in, commission would be paid to the defacto complainant and others.

5. On the other hand, it is the case of the accused person that the defacto complainant had opened a chit fund and also collected from the accused persons and it is stated that the amounts are payable and receivable both sides.

6. The learned Government Advocate(Crl. Side) however stated that it is the specific case of the respondent that totally eight victims had paid a total sum of Rs.1.95 lakhs on the promise of admission being obtained in various private institutions and commission had not yet been paid though amount had been received from the students. A statement was directed to be filed by both the sides and a list of statement had been filed not with any intention to clarify any issue but with intention to create confusion to the court. Both the statements are rejected. As on date, it is evident that there has been money transactions by the defacto complainant paying money to the accused person. If promise is held out deliberately and such promise is not



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satisfied then the offence of cheating gets attracted. Money had been received by the accused persons. These are issues to be examined during the course of investigation at this stage.

7. Taking into consideration the position of the accused namely that A2 is the mother of A1, I am inclined to anticipatory bail to the 2nd petitioner/A2 alone with certain conditions and I am not inclined to grant anticipatory bail to the 1st petitioner/A1 and to the 3rd petitioner/A3. The anticipatory bail sought by A1 and A3 are dismissed. The Investigating Officer may proceed further against them.

8. Accordingly, the 2nd 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 No.II, Bhavani, Erode District**, on condition that the petitioners shall 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 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



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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.

[b] the second petitioner shall appear before the respondent once in a week i.e., every Saturday at 10.30 a.m., until further orders.

[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



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registered under Section 229A IPC.

9. Consequently, connected miscellaneous petition is closed.

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