



WEB COPY



Crl.O.P.No.28529 of 2023

Crl.O.P.No.28529 of 2023

And

Crl.M.P.No. 270 of 2024

C.V.KARTHIKEYAN, J.

The intervening Petition in Crl.M.P.No. 270 of 2024 is allowed.

2. The petitioners/Accused Nos. 1 & 2, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 of Indian Penal Code in Crime No. 736 of 2023, seek anticipatory bail.

3. It is the case of the prosecution that the defacto complainant, doing agricultural job had been approached by the defacto complainant for joining auction on a chit. It is stated that the defacto complainant had deposited a total sum of Rs.6,00,000/-. The amount had not been repaid by the petitioners.

4. The learned counsel for the petitioners would submit that the present complaint on the basis of which the FIR had been lodged is the second complaint. It is stated that the FIR in Cr.No. 382 of 2022 had



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been earlier registered on 16.10.2022 for offences under Sections 294(b), 323, 324, 341 and 506(ii) of IPC and Section 4 of TNPHW Act. The learned counsel for the petitioners stated that on that particular date, the offence under Section 420 of IPC had not been included and therefore, contended that the entire allegation against the petitioners are false.

5. The learned counsel for the intervenor would submit that at that point of time, the issue was only with respect to threat and hurt and intimidation to a woman and therefore, the provisions attracting those offence had been lodged. It is contended that the present First Information Report is on a totally different issue about non repayment of the amounts deposited with the petitioners, who had run a chit scheme.

6. The learned Government Advocate (Crl. Side) would also submit that it is the case of the prosecution that the defacto complainant had deposited a sum of Rs.6,00,000/- totally to the petitioners and the amount had not been repaid.



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7. Taking all the factors into consideration, a perusal of the two First Information Reports show that they are both on different set of facts. The first one is with respect to assault, hurt and intimidation and more particularly, directed against a woman attracting offence under Section 4 of TNPHW Act. The second one is totally different relating to transaction in a chit in which the defacto complainant had deposited a sum of Rs.6,00,000/- into two instalments and sought repayment of the said amount.

8. The Court had offered even on the previous occasion that the learned counsel for the petitioners may get instructions about any amount to be deposited as a condition for grant of anticipatory bail.

9. I am conscious that this Court cannot convert itself to a Court for collection of amount, but to show bona fide and to participate in the trial process, it would only be to the advantage of the petitioners that they deposit some amount which could be in court deposit and a decision could be taken at the time of conclusion of trial. However, no such instructions have been stated to have been received by the learned counsel for the petitioners.



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10. In view of that particular fact, since investigation will have to be done on the nature of chit business conducted and the nature of transaction between the defacto complainant and the accused persons, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

29.01.2024

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