

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.2621 of 2025

Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch (DCB),
Cuddalore District.
(Crime No.28 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.28 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Meganathan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 16.11.2024, seeking bail in Crime No.28 of 2024 registered for the offence under Sections 406, 420 of IPC read with Section 76 (1) of Chit Funds Act.

2. The case of the prosecution is that the petitioner along with A1 and A2 were jointly running a Chit Fund company in the name of Harisidh Chit Funds(P) Ltd for the past five years and that the petitioner had collected a total sum of Rs.15,73,844/- from the general public and failed to repay the same.

3. Learned counsel appearing for the petitioner submitted that the petitioner is in custody from 16.11.2024 and that A1 and A2 have already been released on bail and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police confirms the fact that, A1 and A2 have already been released on bail.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering, the nature of allegation; period of incarceration; A1 and A2 have already been released on bail; and that since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.1, Vriddhachalam, Cuddalore** and on further conditions that:

[a] 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 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.

04.02.2025

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To

1. The Judicial Magistrate No.1,
Vriddhachalam, Cuddalore.
2. The Inspector of Police,
District Crime Branch (DCB),
Cuddalore District.
3. The Superintendent,
Central Jail, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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SUNDER MOHAN., J.

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