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CRL OP NO. 2867 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.02.2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2867 of 2025

Mottaiyan

Petitioner/A5

Vs

State Rep By, The Insepctor Of Police,
District Crime Branch,
Tiruvannamalai
(crime No 01 of 2011)

Respondent(s)

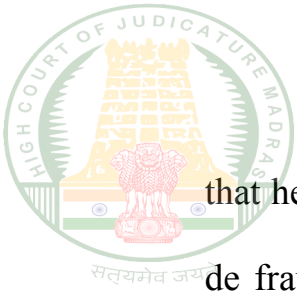
For petitioner(s): Mr.Dinesh Babu

For Respondent(s): Mr.SSanthosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 and 506(1) IPC and altered @ Sections 294(b), 406,420,421,423,424,468,471,477(A) r/w 109 IPC and 506(i) of IPC in Crime No. 01 of 2011 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused was running a chit fund; that he had collected Rs.30,00,000/- from the chit subscribers;



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that he did not repay the amount to the chit subscribers and that in order to defraud the subscribers, he had transferred his property in favour of the other accused (A3 to A5). Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that in any case custodial interrogation of the petitioner is not required for the purpose of investigation and that this case was registered in the year 2011, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and confirmed the above said facts.

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

6. Considering the submissions made on either side; nature of allegation; the fact that the case was registered in the year 2011; the allegations are borne out by records and since custodial interrogation of the



petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate Court No.1, Tiruvannamalai** on condition that the petitioner 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police as and when required;

[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 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];**



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vca

WEB CO [f] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS.

25.02.2025

vca

To
1.The Insepctor Of Police,
District Crime Branch,
Tiruvannamalai
(crime No 01 of 2011)

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