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Crl.O.P.No.3346 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3346 of 2025

J.Sittrarassan
S/o.Jacque, No. 5, 1st Floor, 6th Cross,
Karunagara Pillai Street, Kosapalayam,
Puducherry.

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
Mudaliarpet Police Station, Puducherry,
(Cr.No.229/2024)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.229 of 2024, on the file of the respondent police.

For Petitioner(s): E V Chandru

For Respondent(s): Public Prosecutor (Puducherry)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 506(ii) and 34 of IPC in Crime No.229 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had subscribed to a private Chit in JP Chit Fund, which was run by the A1 and A2, thereby paid the entire share amount for 20 months without fail; that when the defacto complainant asked the petitioner to pay his chit amount after deducting the last installment, the accused persons abused the defacto complainant, refused to return his money and threatened him with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner arrayed as A4, he is innocent and has been falsely implicated in this case; that the petitioner is presently working as SI(SG) Grade I - Driver in Police Department; that the first accused was known to the petitioner's mother for a long time; that the petitioner's son one



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Mohaneshwar has also subscribed to a chit in the A1's chit fund company and paid a sum of Rs.23,80,000/-; that thereafter, A1 had cheated the petitioner's son; that the petitioner had demanded A1 to repay the money paid by his son and a portion of the amount invested was transferred into the petitioner's account by A1; that the A1 and A2 still they owe several lakhs of rupees to his son; that the respondent had falsely implicated the petitioner as one of the accused in the complaint given by the defacto complainant; that the petitioner has no bad antecedents and never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. Learned Public Prosecutor (Puducherry) appearing for the respondent police reiterated the prosecution case and on instructions submits that there is no allegation against the petitioner that he collected from the subscribers and that since the other accused had transferred money to the petitioner, he has been implicated in the present case; and that the investigation is pending.



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5. Heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner not collected money from the subscribers, not named in the FIR and since, custodial interrogation for the purpose of investigation is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate - III, Puducherry** on condition that the petitioner shall execute a separate 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

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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 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 as and when required for interrogation.

[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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SUNDER MOHAN, J.

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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

12.02.2025

stn

To

1. The State Rep by, The Inspector of Police,
Mudaliarpur Police Station,
Puducherry,
(Cr.No.229/2024)

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