



WEB COPY



CRL O.P. No.4945 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.4945 of 2025

1. Malathi W/o.Barath.
2. Kavitha W/o. Anantharaj Petitioners / Accused

Vs

State rep. by:-

The Inspector Of Police,
T-20 Kanathur Police Station. ... Respondent
[Cr. No.21 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.21 of 2024 on the file of the respondent police.

For Petitioner : Mr.Sharukumar S I
For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC in



CRL O.P. No.4945 of 2025

connection with the case in Crime No.21 of 2024, seek anticipatory bail.

WEB COPY

2. The case of the prosecution is that the defacto complainant was introduced to the petitioners herein, through her husband, who was working with the 1st petitioner; that they were engaged in the business of deepavali chit funds; that the defacto complainant and 5 others had subscribed in the chit and after collecting the amount of Rs.9,67,200/-, the petitioners did not repay the subscribers and thus, committed aforesaid offences.

3. Learned counsel for the petitioners would contend that allegations against the petitioners are false; that in any case, the petitioners, even according to the defacto complainant, had returned a sum of Rs.4,86,200/- and they have no intention to deceive the defacto complainant and to show their bonafies, the petitioners are willing to deposit a sum of Rs.50,000/- each to the credit of crime number without prejudice to their defence. Further, the learned counsel for the petitioners produced the affidavits of the petitioners undertaking to deposit the said



CRL O.P. No.4945 of 2025

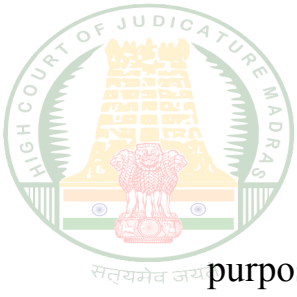
amount and prayed for grant of anticipatory bail.

WEB COPY

4. Learned Government Advocate (Criminal Side), reiterated the prosecution case and submitted that out of total sum of Rs.9,67,200/-, the petitioners have paid a sum of Rs.4,86,200/- and they have to pay the balance amount of Rs.4,81,000/-.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record. The affidavits filed by the petitioners are taken on record.

6. Considering the nature of allegations against the petitioners, considering the voluntary submission made by the learned counsel appearing for the petitioners, by filing the affidavits of the petitioners showing their willingness to deposit a sum of Rs.50,000/- each and since, they have already paid a sum of Rs.4,86,200/-, this Court is of the view that custodial interrogation of the petitioners is not required for the



CRL O.P. No.4945 of 2025

purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

WEB COPY

7. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only) each** to the credit of **Cr. No.21 of 2024** on the file of respondent police at the time of executing sureties, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-II, Alandur** on condition that the petitioners shall each 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 stand dismissed and on further conditions that:



CRL O.P. No.4945 of 2025

WEB COPY

[a] the petitioners 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 petitioners shall appear before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

d] the petitioners 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 petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

28.02.2025



CRL O.P. No.4945 of 2025

WEB COPY mjs

To

1. The Judicial Magistrate-II, Alandur
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, T-20 Kanathur Police Station.

SUNDER MOHAN. J.,

mjs



WEB COPY



CRL O.P. No.4945 of 2025

+

CRL O.P. No.4945 of 2025

28.02.2025