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Crl. O.P. No.10361 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No.10361 of 2025

Kanikasri

... Petitioner/Accused 2

Vs.

The State represented by-

The Inspector of Police,
District Crime Branch PS,
Erode District.
(Crime No.3 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.3 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.M.Amutha Ganesh
For Respondent : Ms.J.R.Archana,
Government Advocate (Crl.Side)

ORDER

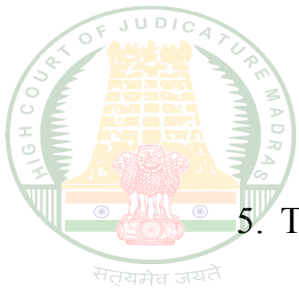
This Criminal Original Petition has been filed by the petitioner who was arrested and remanded to judicial custody on 12.02.2025 seeking bail in Crime No.3 of 2025 registered for the offence under Sections 120(B) and 420 of IPC and Section 76 (1) of the Chit Funds Act, 1982.



2. The case of the prosecution is that the first accused along with the petitioner was running a Chit Scheme and collected huge money from the depositors and the total money cheated by the first accused is Rs.3,37,00,000/-; that wrongful loss of Rs.7,42,500/- was caused to the defacto complainant and thus committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged Chit run by her father; that the petitioner is aged about 27 years and recently got married; that the entire allegations against her father/A1 and that in any case, considering the period of incarceration, she may be released on bail.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the public were cheated to the tune of Rs.3,37,00,000/- by both the accused and this petitioner is arrayed as A2, the first accused is still absconding; that the respondent is taking steps to freeze the account of the first accused and that of the petitioner and the petitioner also played an active role in collecting deposits from the public and helping her father and hence opposed for grant of bail.



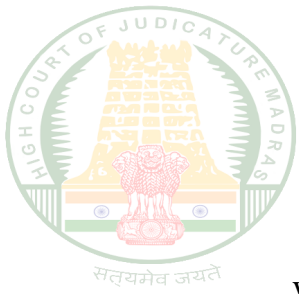
5. The petitioner is a lady aged about 27 years. Even according to the prosecution, the first accused had collected huge amount and he was the main person running the Chit Fund Scheme and the petitioner in collusion with the first accused, collected deposits through the Chit Fund Scheme. The petitioner is in custody from 12.02.2025 and the petitioner cannot be incarcerated indefinitely only because the first accused is absconding. Considering the aforesaid facts and the period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, 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 her executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Erode.**

[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, daily at 10.30 a.m., until further orders;

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



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[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.

16.04.2025

rkp

To

- 1.The Judicial Magistrate No.II, Erode.
- 2.The Inspector of Police,
District Crime Branch PS,
Erode District.
3. The Superintendent, Central Prison for Women, Tiruppur.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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