



Crl. O.P. No.27727 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.27727 of 2024

A. Rajendran S/o. Arunachalam

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
Central Crime Branch - Team - 7,
Chit and Kandhavatti Wing,
Vepery, Chennai-600 007.
(Crime No.194 of 2023).

... Respondent

P. Thilaga W/o. Kokilan

... Intervenor.

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.194 of
2023 on the file of the respondent police.

For Petitioner : Mr.Mohamed Riyaz

for Mr. V. Janarthanan

For Intervenor : Mr. S. Senthilvel,

for Mr. K. Arul Jothi [Intervening

petition allowed vide order in Crl. M.P.
of 2024 dated 20.02.2025]

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For Respondent : Mr. S. Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 420 of IPC and Section 76(1) of the Chit Funds Act in connection with the case in Crime No.194 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had run chit fund scheme and had collected monthly subscriptions from the defacto complainant and either other subscribers to the tune of Rs.55,49,000/-.

3. Learned counsel appearing for the petitioner submitted that amount due to all the subscribers were settled and that only a sum of Rs.2 lakhs is due to them and when the matter was heard by this Court earlier, he sought time to file an affidavit of undertaking to deposit a sum of Rs.5 lakhs; that he would deposit a further sum of Rs.5 lakhs to show his bonafides and further submitted that, in any case, custodial interrogation of the petitioner is not required for the purpose of investigation and hence prayed for grant of anticipatory bail to the petitioner.



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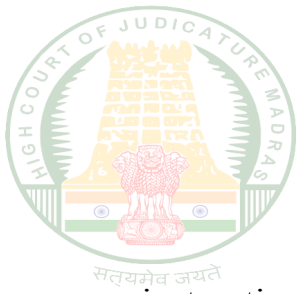
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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that the petitioner had appeared for enquiry and he had admitted that he is due to pay Rs.29 lakhs to the victims and further submitted that the defacto complainant and the petitioner had other financial transactions between them and that the petitioner had issued a cheque for Rs.30,00,000/- to the defacto complainant

5. Learned counsel appearing for the defacto complainant / intervenor would submit that the petitioner had cheated the defacto complainant and admitting the liability, the petitioner had issued a cheque for Rs.30 lakhs. However, learned counsel for the intervenor fairly admitted that the cheque was not presented for collection.

6. 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.

7. The learned counsel for the petitioner has filed an affidavit of the petitioner undertaking to deposit Rs.5 lakhs. The learned counsel further, on



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instructions, submitted that to show his bonafides, the petitioner would deposit a further sum of Rs.5 lakhs and thus a total sum of Rs.10 lakhs to the credit of crime number without prejudice to his defence.

8. Considering the aforesaid facts, since the allegations are borne out by records, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days and on deposit of **Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.194 of 2023 within a period of 4 (four) weeks** from the date of receipt of a copy of this order before the learned **Metropolitan Magistrate for exclusive trial of CCB cases (relating to cheating cases in Chennai) and CBCID, Metro Cases, Egmore, Chennai** 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:



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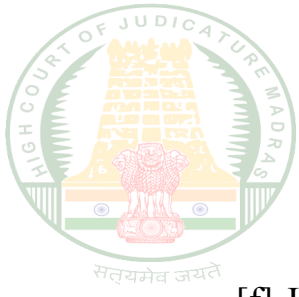
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

[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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[f] If the accused thereafter abscond, a fresh FIR can be registered under

Section 269 B.N.S.

20.02.2025

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To

- 1.The Metropolitan Magistrate for exclusive trial of CCB cases (relating to cheating cases in Chennai) and CBCID, Metro Cases, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Central Crime Branch - Team - 7, Chit and Kandhavatti Wing, Vepery, Chennai-600 007.



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SUNDER MOHAN., J.

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