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Crl.O.P.No.31984 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21-02-2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 31984 of 2024

Logesh Moorthy @ Logamoorthy ...Petitioner/A3

Vs.

The State Rep. by
The Inspector of Police,
Lawspet Police Station,
Puducherry.

(Crime No.204 of 2024) ...Respondent/Complainant

G.Shakthivel ... Defacto complainant

[Permitted to intervene vide order of this Court [SMJ] dated 21.02.2025 made in Crl.M.P.No.1640 of 2025 in Crl.OP.No.31984 of 2024]

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.204 of 2024 on the file of the respondent police.

For Petitioner : Mr.Vignesh Ravi

For Respondent : Mr.Antony
Public Prosecutor (Puducherry)

For Intervenor : Mr.S.Elumalai

ORDER

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(5) and 318(4) of BNS 2023 in Crime No.204 of 2024, on the file of the respondent



police, seeks anticipatory bail.

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2. The case of the prosecution is that A1 and A2 were running a Diwali Chit fund scheme and had collected Rs.1,34,70,000/- from 121 depositors and failed to repay the same and the petitioner is the brother of A1 had assisted the other two accused in the said business. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case; that the petitioner had nothing to do with the alleged chit scheme run by the other accused; that he has separate business and is running a medical shop and in any case, to show his bonafides, he is willing to deposit Rs.10 Lakhs, without prejudice to his right of defence and has filed an affidavit to that effect. He therefore, prayed for anticipatory bail to the petitioner.

5. The learned counsel for the defacto complainant however, would state that the petitioner is also involved in the chit fund business and opposed the grant of bail to the petitioner.



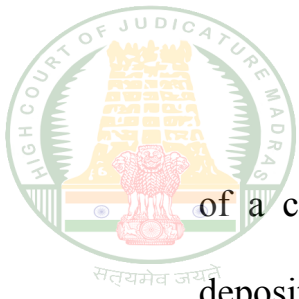
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4. Learned Public Prosecutor (Puducherry) appearing for the respondent police, opposing this petition had filed a counter, in which it is stated that the petitioner was also involved in the chit fund business along with A1 and A2 and that both the accused/A1 and A2 are still absconding.

6. Heard the learned counsel appearing for the petitioner, the learned Public Prosecutor (Puducherry) appearing for the respondent police and the learned counsel appearing for the Intervenor/defacto complainant and perused the materials available on record.

7. Considering the aforesaid submissions, nature of allegations and the fact that the petitioner to prove his bonafides have filed an affidavit that he would deposit a sum of Rs.10 Lakhs, and since, custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner/A3 shall deposit Rs.10,00,000/- [Rupees Ten Lakhs Only), to the credit of Cr.No.204 of 2024 on the file of the respondent police, within a period of two weeks from the date of receipt



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of a copy of this order and thereafter on production of proof for such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days thereafter, before the learned **Judicial Magistrate No.I, Puducherry**, 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, on further condition that:

- [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, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;
- [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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala*** reported in [(2005)AIR SCW 5560];

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

[g] It is made clear that the deposit of Rs.10 Lakhs by the petitioner shall not be construed as an acceptance of guilt and the said money shall be deposited in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically, till the completion of the trial.

21.02.2025

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SUNDER MOHAN, J.

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To

- 1.The Inspector of Police,
Lawspet Police Station,
Puducherry.
2. The Public Prosecutor,
Madras High Court,
Chennai.
- 3.The Judicial Magistrate No.I,
Puducherry.

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