



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25460 of 2021

1.Balaji
2.Yogeshwari

... Petitioners

Versus

State represented by
The Additional Commissioner of Police / Officer in Charge,
Team II, EDF - I, Central Crime Branch,
Chennai, Vepery, Chennai - 600 007.
(Crime No.226 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in the impugned FIR having Crime No.226 of 2021 on the file of the respondent, Team - II, EDF - I, Central Crime Branch, Chennai Police Station, pending investigation.

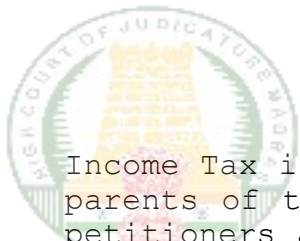
For Petitioners : Mr.S.V.Pravin Rathinam

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 34, 406 and 420 of IPC in Crime No.226 of 2021, seeks anticipatory bail.

2. The case of the petitioners is that the defacto complainant and they are close family members. In the year 2003 the defacto complainant had left to Canada for higher education and has been living abroad since 2003 May and between 2008 to 2009 and 2016 - 2017, he was living with his family in Chennai in the interregnum. While the defacto complainant was living in Canada all his financial activities were taken care by the petitioners including auditing and



Income Tax issues. The petitioners submit they had taken care of the parents of the defacto complainant and also the joint account of the petitioners and defacto complainant was maintained by the petitioners with due care and diligence, in fact there were no such monetary issues until recently. The defacto complainant had come to Chennai on February 2021 for his second marriage and even the marriage arrangements were sincerely undertaken and done by the petitioners out of care, love and affection on the defacto complainant. But ill advice of 2nd wife false complaint lodged by him.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail with any conditions.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant is brother of 1st petitioner is given the complaint against the parents, brother, brother's wife stating that they committed fraud by misappropriated joint family funds. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, that petitioners are brother and his wife who are close family members, all are alleged financial transactions starts from the year of 2016 onwards and the official transactions, hence there is no possibility of tampering evidence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners 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 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 1st petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the 2nd petitioner shall report before the respondent police as and when requires for interrogation;

(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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CCB & CBCID METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE ADDITIONAL COMMISSIONER OF POLICE / OFFICER IN CHARGE,
TEAM II, EDF - I, CENTRAL CRIME BRANCH,
CHENNAI, VEPERY, CHENNAI - 600 007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.V.PRAVIN RATHINAM Advocate on payment of
necessary charges SR.NO.15599

CRL OP.25460/2021

Date :23/12/2021

RW 05/01/2022