



Crl.O.P.Nos. 17632 & 17635 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 457, 380, 406, 408 and 120(b) of IPC in Crime No.152 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 26.06.2022, when the Chairman viz., M.Ct.Pethachi of EMCETE & Sons died and the same was properly intimated to all his family members, friends and his relatives without any delay. On that day, the Manager of EMCETE & Sons (viz., Sridharan) was looking after the funeral rituals and other related works had to stay in the office with another staff situated at No.202, Anna Salai, Chennai as he had to give the obituary Advertisement in The Hindu subject to the return of the defacto complainant. Thereafter, A2 along with A1 entered into the office premises and taken away the original document of the entire property. Hence, the complaint.



3. There are totally two accused, in which A1 is the younger brother of the defacto complainant and A2 is the Manager of A1. According to the case of the prosecution, the property is owned by their father and after his demise on 26.06.2022, A2 entered into the office premise and took the original documents of the entire property. It was also captured in CCTC footages.

4. The learned Senior Counsel appearing for the petitioners would submit that already there was a dispute between the defacto complainant and his father in respect of the property. The defacto complainant filed a C.S.D.No.39450 of 2022 along with Application in A.No.1799 of 2022 before this Court in which their father filed a counter stating that their father never executed any family arrangement in respect of the property and the same was accepted, the leave to sue application filed by the defacto complainant was dismissed by this Court on 20.07.2022.

5. It is seen that A1 is the brother of the defacto complainant and A2 is working as a Manager under A1. When the father was alive, there was a



dispute between them in respect of the family property. However, after the demise of their father, the accused persons had taken away the original documents from the office premise.

6. Considering the above facts and circumstances, the custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 on which the order copy is made ready, before the learned XIV Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 hand over the original documents which were taken by them and produce the same before the Investigating Officer within a period of two weeks from the date of execution of their sureties. The second petitioner shall not enter into the office of the defacto complainant and his house.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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