



Crl.O.P.No.24829 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 404 and 406 of IPC in Crime No.463 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Sundhari Sabanayagam is that the petitioners had taken care of the brother of de facto complainant, who worked in Annamalai University, Physics Department when he retired. The brother of de facto complainant was earlier addicted to liquor and the further case is that the accused under the guise of helping his brother and looking after his property had after his death taken away the car and other articles and also withdrawn the amount of Rs,1,70,000/- from the account of the deceased by drawing through ATM card. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are colleagues of the brother of de facto complainant. The



CrI.O.P.No.24829 of 2022

brother of the de facto complainant was not having good relationship with the de facto complainant and the petitioners were taking care of deceased for a long time and even in the SR Book, the deceased had nominated the first petitioner as his nominee. Further, the de facto complainant has also sold the property in favour of the first petitioner on 23.12.2010. Even after sale the de facto complainant resided in the property and the petitioners had taken care of him. After his death the petitioners have withdrawn a sum of Rs.1,70,000/- for the funeral expenses, other than that, they have not committed any offence as alleged. It is further submitted that the petitioners are Assistant Professors at Annamalai University and they have no criminal antecedents. Hence, he seeks anticipatory bail for the petitioners.

4. The learned Government Advocate (Criminal side) submits that the petitioners were taking care of the brother of the de facto complainant. After the demise of the de facto complainant's brother, the petitioners have taken away the movables from the house of the deceased and they have swiped the ATM card of the deceased and took a sum of



Crl.O.P.No.24829 of 2022

Rs.1,70,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In reply, the learned counsel for the petitioners would submit that after registration of the case, all the movables have been handed over to the de facto complainant and the remaining money in the account of the deceased has also been withdrawn by the de facto complainant.

6. Heard the learned counsel on both sides and perused the materials available on record.

7. Taking into consideration the facts and submission made on both sides, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 made ready, before the



Crl.O.P.No.24829 of 2022

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learned Judicial Magistrate-I, Chidambaram, on condition that the each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 report before the respondent police everyday at 10.30 a.m. for a period of two weeks thereafter every Saturday at 10.30 a.m, until further orders.

[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.



Crl.O.P.No.24829 of 2022

[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]**.

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

20.10.2022

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Crl.O.P.No.24829 of 2022

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