



Crl.O.P.No.2579 of 2023

Crl.O.P.No.2579 of 2023 and

Crl.M.P.No.1951 of 2023

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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 406, 420 and 34 of IPC in Crime No.181 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant E.V.P.Santhosha Reddy is that the marriage between him and the 1st petitioner was solemnized and registered at the office of Sub Registrar, Thiruvottriyur on 20.02.2021 and the wedding reception was performed on 12.03.2020 and till 20.03.2020, the defacto complainant was living along with his wife and her parents at Chennai and thereafter, he proceeded to Hyderabad by handing over the possession of his residence to his father-in-law with all his belongings. Subsequently, due to Covid Pandemic and national wide lockdown, his father-in-law was taking care of his day to day business activities at Chennai. Thereafter, he came to know that during matrimonial life, the first petitioner/wife of the defacto complainant had fraudulently transferred amounts to the tune of



CrI.O.P.No.2579 of 2023

Rs.1,65,50,000/- from his business account to her personal account through online transaction and cheated him and she had also taken possession of the flat of the defacto complainant and driven him out of the house. Further, the father-in-law of the defacto complainant had stolen valuable electronic items viz., Rolex Watches, Apple Laptop, Apple i-Pad which was handed over to his mother-in-law who presently stolen all the items from his residence. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and the marriage between the 1st petitioner and the defacto complainant was an arranged marriage. The defacto complainant himself came and lived with the parents of the 1st petitioner and due to matrimonial dispute, he has given a false complaint against the petitioners as if, the petitioners swindled his money and articles. He would further submit that the entire amount was transferred with the knowledge of the defacto complainant and a case of matrimonial dispute, has been exaggerated with false allegations. Hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the 1st petitioner is the wife of the defacto complainant and during their marriage life, the first petitioner has fraudulently transferred funds to the tune of Rs.1,65,50,000/- from the business account of the defacto complainant, to her personal account through online transaction and later, the 2nd and 3rd petitioners who are the parents of the 1st petitioner, have driven the defato complainant out of his residence and taken possession of the flat belongs to him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor would submit that the first petitioner is the wife of the defacto complainant and the 2nd and 3rd petitioners are the father-in-law and mother-in-law of the defacto complainant and that they have induced the defacto complainant and made him to marry the 1st petitioner. Thereafter, during the period of marriage life, the petitioners have not only fraudulently transferred the funds of Rs.1,65,50,000/- from the business account of the defacto



CrI.O.P.No.2579 of 2023

complainant but, they have also taken valuable electronic items and jewels from the house of the defacto complainant and cheated him.

Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

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

7. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is 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 **learned Special Judge for CCB and CB CID Cases at Egmore, Chennai**, on condition that the petitioners shall execute separate bonds for a sum of



CrI.O.P.No.2579 of 2023

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 his 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 and thereafter on 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.



CrI.O.P.No.2579 of 2023

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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

Accordingly, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

20.04.2023

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Crl.O.P.No.2579 of 2023

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ksa-2

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