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Crl.M.P.No.4602 of 2022
in Crl.O.P.No.25460 of 2021

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T.V.THAMILSELVI, J.

The petitioner herein is the de-facto complainant, who has filed this application represented by his authorised Power Agent S.Ananthan, and prayed to cancel the bail granted to the first and second respondents on dated 23.12.2021 in Crl.O.P.No.25460 of 2021, in Crime No.226 of 2021, on the file of the third respondent.

2. The contention of the petitioner is that the first and second respondents are the husband and wife, besides the first respondent is the brother of the petitioner. Considering the said blood relationship, this petitioner totally believed the first respondent to handle his monetary transactions and to safeguard the money sent by him who is in abroad, also permitted him to use his mobile phone for operating the petitioner's Bank account, including online Bank transactions attached to his Bank account. But, he committed breach of trust, the first respondent transferred major portion of the income of the petitioner on various dates



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which comes around morethan Rs.1.5 crores into multiple bank accounts for his personal use and also he lent money, but not disclosed the details of the same to the petitioner and Income Tax account also not been properly maintained, as per the information given by his Auditor. The Bank accounts were not properly attached by the Income Tax Department, thereby, the first respondent will have to be enquired by the Income Tax authorities at any point of time. Further, he alleged that the first respondent colluded with his wife / second respondent herein and swindled money from the petitioner's Bank account by using his mobile phone and several transfers were made to various Bank accounts without the knowledge and approval of the petitioner, which comes to around more than Rs.2 crores for the past 10 years. Hence, the petitioner gave a complaint.

3. Based on the FIR, a case has been registered under Sections 406, 420 and 34 of IPC, against the first and second respondents, in Crime No.226 of 2021, for having cheated the petitioner's huge sum of money and he was granted bail by this Court in Crl.O.P.No.25460 of



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2021, on 23.12.2022. But, they obtained bail by misleading the Court by suppressing all the fraudulent transactions with dis-honest intentions and the first and second respondents are also highly capable of tampering with the evidence and they would either spend or steal away the money mis-appropriated by the accused persons. Hence, the petitioner prayed to cancel the bail granted to the first and second respondents.

4. The learned counsel for the first and second respondents submitted that there was cordial relationship between themselves and the petitioner, but after their marriage, at the instigation of his father-in-law, the petitioner gave false complaint against them and his mother also harassed at her old age.

5. Considering the submissions made on the side of the first and second respondents, as well as the alleged transactions relating to more than 10 years and as there was no possibility of tampering with the evidence, and all the allegations pertain to the money transaction with Bank statements. So, this Court granted bail in Crl.O.P.No.25460 of



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2021, dated 23.12.2022, and after that, they are co-operating for investigation and there is no possibility of tampering with the evidence. Hence, the learned counsel for the accused prayed to dismiss this petition.

6. The learned Government Advocate (Criminal Side) appearing for the respondent / Police submitted that the first and second respondents are complying with the conditions regularly and also co-operating for investigation.

7. Considering the entire facts and the FIR allegations, it reveals that the petitioner is the de-facto complainant who is the brother of the first respondent, and now the petitioner is employed at abroad and he got married in the year 2021. As per the contention of the first and second respondents, after his marriage, there was a mis-understanding between the brothers and more particularly, at the instigation of his fathers-in-law.

8. Admittedly, now the present complaint is filed by the



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Authorised Agent who is the father-in-law of the petitioner. According to the de-facto complainant, after granting bail, they attempted to tamper with the evidence, but there is no material evidence to support his contentions. Further, he also contended that they may spend their money which was swindled by them, from his account, and for that also, there is no proof. Bank account standing in the name of the petitioner can be hacked by them, even though the de-facto complainant is in abroad. So, if any power is given to the first respondent, he may cancel the same by giving intimation to the Bank. However, for nearly about 10 years, there was money transaction between the petitioner and the first respondent and all the details were collected by the third respondent / Police, and hence there is no possibility of tampering with the evidence. Furthermore, the petitioner is in abroad and he is no way prejudiced by granting the bail to the first and second respondent / accused persons. The fathers-in-law of the petitioner has filed this petition to cancel the bail. Furthermore, there is no material evidence on the side of the petitioner that the first and second respondents attempted to tamper with the evidence after the bail is obtained by them.



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9. Considering the facts and circumstances and they are co-operating for investigation as well as the submissions made by the third respondent / Police, this Court is not inclined to cancel the bail granted to accused persons / first and second respondents herein.

10. Accordingly, this Criminal Miscellaneous petition is dismissed as devoid of merits.

03.08.2023

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