



WEB COPY



CrI.O.P.No.17909 of 2023

Criminal Original Petition No.17909 of 2023

Orders reserved on	18/8/2023
Pronounced on	23/8/2023

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RMT.TEEKAA RAMAN,J

ORDER

This Criminal Original Petition is filed, under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail, in the event of their arrest, in Crime No.334 of 2023, for the offences punishable under Sections 379, 420 and 506 (i) of the Indian Penal Code, on the file of the Inspector of Police, Anaikarachathiram Police Station, Mayiladuthurai District/respondent Police.

2. The case of the prosecution, in a nutshell, is as follows:-

The first petitioner/A.1 was known to the family of the defacto complainant and he helped the defacto complainant when the wife of the defacto complainant was admitted in hospital and subsequently, she died on 21/1/2023. On 26/6/2023, when the defacto complainant went to the Bank for withdrawal of money, it was informed by the bank officials that



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certain amount was withdrawn from his account. Thereafter, when the defacto complainant, came to know that 20 sovereign jewels, land documents and cheques pertaining to Punjab National Bank and State Bank of India were also missing, the defacto complainant queried the A.1. A.1 is alleged to have made demands from the defacto complainant to register certain lands in his name and therefore, the defacto complainant, lodged a complaint before the respondent Police. Apprehending the arrest at the hands of the respondent Police, petitioners have come forward with the present Criminal Original Petition.

3. Heard Mr.R.Kanivannan, learned counsel for the petitioners and Mr.Leonard Arul Joseph Selvam, learned Government Advocate for the respondent.

4. The learned counsel appearing for the petitioners submitted that after issuing legal notice for the dis-honoured cheque, under Section 138 of the Negotiable Instruments Act, on 5/7/2023, the present complaint has been lodged by the defacto complainant and they have filed a cheque bounce case as well.



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5. Learned Government Advocate submitted that the defacto complainant is a senior citizen, aged about 65 years. The first accused is the relative of defacto complainant and second accused is his Driver. The wife of the defacto complainant died, during the month of January 2023 and the defacto complainant received information from the Bank that some amount has been withdrawn from his account.

6. Perused the materials available on record.

7. On enquiry, it came to light that the first petitioner/A.1 took cheques from the house of the defacto complainant and the same was deposited by the second petitioner/A.2. When the defacto complaint found that 20 sovereigns of jewels and the cheques were missing, after confronting the petitioner, the complaint has been lodged. CSR number was given and enquiry is pending from March 2023. It is further seen from the materials available on record that after the complaint has been filed, petitioners have presented the cheque, which is alleged to be missing. They have issued a legal notice and investigation is pending.

8. Considering the fact that the defacto complainant is about 65 years



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old, who had since lost his wife and the accused being the relative of the defacto complainant, on whom the defacto complainant had reposed his trust, the petitioners have misused the trust and manipulated the cheques and thereby, encashed certain amounts and since investigation is still underway, this Court is of the considered view that it would not be in the interest of justice to grant anticipatory bail to the petitioners.

9. Accordingly, this Criminal Original Petition is dismissed.

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mvs.



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mvs.

Pre-delivery order made in
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23/8/2023