



Crl.O.P.No.20027 of 2023

Orders Reserved on 11.09.2023	Orders Pronounced on 15.09.2023
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RMT. TEEKAA RAMAN.,J.

The petitioners are husband and wife who are arrayed as A.1 & A.2 in Crime No.169 of 2023. The first petitioner is the son of the defacto complainant and the second petitioner is the wife of the first petitioner and daughter-in-law of the defacto complainant. Based upon the complaint by the defacto complainant/father of the 1st petitioner, the respondent police registered a case for the alleged offences under Sections 406, 420, 448, 379, 362, 560(i) IPC and Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. The case of prosecution is that the defacto complainant studied upto 3rd standard and retired from Railways on 11.11.2011; that the wife of the defacto complainant died on 27.02.2013. The first petitioner is the son and he had a daughter by name Kumudhavalli; that the defacto complainant had conducted the marriage of her daughter in a grand manner and after the marriage of the daughter and son, he had settled the properties in favour of



the son as early as on 13.04.2018 whereby undivided 2/3rd share of the defacto complainant (father of the 1st petitioner) and daughter of the defacto complainant (sister of the 1st petitioner) was given to the first petitioner herein and the defacto complainant was living in the front room in the house. He had lodged the above complaint alleging that when he was away from home, his room was broken up and documents are found missing.

3 (i) The learned counsel for the petitioner would submit that he defacto complainant developed a relationship with one Sridevi who was working as a tailor, remained unmarried at the age of 36 years and while she was taking care of the defacto complainant, it is stated that the defacto complainant had married the said Sridevi on 27.03.2022; that on 29.03.2022, the defacto complainant was admitted in the re-habitation centre at Mahabalipuram at the instance of the advice of the family members. When the father was at accused home, he got attracted to a lady care taker in the neighbourhood and the same has said to have been developed into a second marriage. The defacto complainant claims that he had married the said lady in a temple and at the instance of the relatives, he was taken to re-habitation centre for correction of disorientation of mind activity. After he came from



the re-habitation centre, the said Sridevi (Aged 36 years) who is alleged to have been married as second wife of the defacto complainant has given a complaint against the first petitioner that he misbehaved with her and the same was closed by the police and thereafter the defacto complainant has now given the present complaint under Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 which is bailable offence. Additionally, they have added the offences under Section 406, 420, 448, 379, 362, 506(i) IPC which is bailable in nature. Ignoring the fact that as early as on 2013, the father alongwith the daughter had settled 2/3rd share of the respective shares in the said house, a false case has been foisted, which does not warrant custodial interrogation.

4. After hearing the rival submission of the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and on perusing the documents, it is seen that on 18.11.2013, the Revenue Department had issued legal heirs certificate in respect of Tmt.Bangarammal (wife of the defacto complainant) showing the defacto complainant, the first petitioner and the daughter Kumudhavalli as the legal heirs. The document now alleged to have been stolen from the room of the defacto complainant



are the original documents relating to the properties which he has already settled in favour of the first petitioner as stated supra. Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 prescribes punishment of three months or fine and the same is bailable.

5. In view of the above circumstances, this Court is of the considered view that custodial interrogation of petitioners are not necessary and inclined to grant anticipatory bail to the petitioners. Therefore, 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 **X Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioners shall execute a 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 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 on 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.

[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 petitioner 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.

15.09.2023

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Per-Delivery order in
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