



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 30593 of 2024

1.Radhakrishnan
2.Suresh
3.Arunachalam
4.Anbarasan

....Petitioners

Versus

State, rep. by
The Inspector of Police
Chetpete Police Station
Thiruvannamalai District
Crime No. 330 of 2023.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023 praying to enlarge the petitioners on bail in the event of their arrest in respect of Crime No. 330 of 2023 on the file of the Inspector of Police, Chetpet Police Station, Thiruvannamalai District pending investigation.

For Petitioner : Mr.Sam Arulprasath A.
For Respondent : Mr.S.Santhosh
Government Advocate, Criminal Side



WEB COPY

Apprehending arrest in connection with Crime No.330 of 2023 registered for the offences punishable under Sections 120B, 465, 468, 420, 506(1) of BNS, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that the accused by obtaining legal heir certificate suppressing the existence of the other legal heirs had settled the property in the name of his wife and his sons and thereby cheated the other legal heirs. Hence the complaint.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the civil dispute is pending between the petitioners and the de-facto complainant and false complaint has been given by the de-facto complainant and therefore, custodial interrogation may not be required. He would submit that the first petitioner is aged about 74 years. He would submit that the petitioners have no previous case pending against them and they are ready to abide by any stringent condition that may be imposed by this court.



WEB COPY

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the first accused suppressing the existence of other legal heirs had settled the property to his wife and his sons and thereby cheated other legal heirs. He would further submit that investigation has been pending. He further submits that no previous cases are pending against the petitioners.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they 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 of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Polur, Thiruvannamalai District** on condition that the petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;



[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

13.12.2024

MSM



WEB COPY



A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No. 30593 of 2024

13.12.2024