



Crl.O.P.No.30489 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.744 of 2024 registered for the offences punishable under Sections 318(4) and 61(2) of BNS, 2023, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per defacto complainant Kavitha is that the accused, under the guise of providing treatment for her husband, transferred the property in their favour and also executed a Will concerning her husband's property. Thereby, they cheated her to the tune of Rs.54 Lakhs. Hence the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court. He would submit that the petitioners are nephew, sister-in-law and niece of the defacto complainant. He would submit that they are close relatives of the defacto complainant's husband, who suffered from liver disease, and the defacto complainant had abandoned him. He would submit that, the petitioners, therefore, took care of the defacto complainant's husband and he was admitted in PSG hospital, later, due to his health condition, he was transferred to SIMS



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hospital. He would submit that the petitioners have spent entire amount from their pocket for medical expenses, due to which, the husband of the defacto complainant has transferred the property in their favour. In the meantime, defacto complainant's husband died without responding to the treatment. He further submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, would submit that the petitioners have taken one Lingasamy (deceased) under pretext of treatment and transferred the funds from his account to the tune of Rs.23 Lakhs in their favour, without informing the same to the defacto complainant. He would submit that the petitioners also have received personal loan from the Bank in the name of Lingasamy (deceased) to the tune of Rs.25 Lakhs and also made him execute a Will in their favour. He would submit that they all colluded with each other and cheated the defacto complainant to the tune of Rs.54 Lakhs.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and



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perused the materials available on record, this court is inclined to grant

anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.1, Udumalpet**, on condition that the petitioners shall execute a separate 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 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 1st petitioner 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. The 2nd and 3rd petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;



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[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 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 269 of B.N.S.

09.12.2024

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