



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
CRL OP NO. 30558 of 2024

1.K.Naresh Babu
2.Bhuvaneswari

Petitioner(s)

Vs

The State Rep By Its
The Inspector Of Police,
District Crime Branch
Tiruppur District
Crime No. 23 of 2024

Respondent(s)

For Petitioner(s): Mr.M.Mohamed Riyaz

For Respondent(s): Mr.S.Santhosh

Government Advocate [Criminal Side]

ORDER

Apprehending arrest in connection with Crime No.23 of 2024 registered for the offences punishable under Sections 306, 316 (4), 318 (4), 332 (c) and 351 (3) of Bharatiya Nyaya Sanhita (BNS), 2023, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution is that the de-facto complainant cared for his uncle P.Kandasamy and Aunt Yosodha, managing their household and finances for a fixed salary. After the demise of P.Kandasamy in the year 2016, Yasodha decided to sell her property and provide the proceeds to the de-facto complainant and his brother and their legal heirs. An agreement of sale was executed between Yasodha and prospective buyers, namely, Prabhakaran and Murugesan for a sale consideration of Rs.1,80,00,000/-. Out of which, Rs.10,00,000/- was paid as an advance. The remaining amount was allegedly settled during registration, facilitated by the first petitioner in the absence of the complainant, who was abroad. Prior to Yasodha's demise on 07.11.2024, she had instructed the de-facto complainant to recover money and divide it among her heirs. When the defacto complainant questioned regarding this to the 1st petitioner, he claimed that he has Rs.58,00,000/- in savings receipt and refused to return Yasodha's jewels, allegedly replacing them with fake jewels. The 1st petitioner also threatened the de-facto complainant, asserting that all dues were settled for caring and managing the households of Yasodha.

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 further submits that the 1st petitioner was adopted by Kandasamy and Yasodha. The petitioners have been taking care of their livelihood and after demise of Yasodha, the de-facto complainant and his relatives have trespassed into the house of the 1st petitioner and kidnapped his 13 years old son, Saran and took the documents, valuables including FD receipts, jewels and cash belonging to the petitioners. Further, they allegedly took all the documents and valuable belonging to Mrs.Yasodha. The incident was reported to the respondent police and enquiry was conducted by the respondent police. He would submit that a false complaint has been filed against the petitioners alleging misuse of Yasodha's property. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

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 as per the complaint, the petitioners who were taking care of Kandasamy and Yasodha, after the death of Kandasamy and Yasodha, the petitioners had usurp the properties belonging to the de-facto



complainant. He would further submit that the investigation has been pending. He would further submit that there is no previous case 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 No.II, Tiruppur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 fails 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 for a period of two weeks and thereafter, every Saturday at 10.30 am 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 petitioner 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];

[g] If the accused thereafter absconds, a fresh FIR can



be registered under Section 269 of BNS.

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TO
The State Rep By Its
The Inspector Of Police,
District Crime Branch
Tiruppur District
Crime No. 23 of 2024

2.The Public Prosecutor, High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.30558 of 2024

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