



Crl.O.P.No.28876 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC in Crime No.1429 of 2023, seeks anticipatory bail.

2. The petitioner is the brother of the defacto complainant. The father of the petitioner and the defacto complainant was working in Indian Oil Corporation. After his retirement, he had come over to the residence of the petitioner at Salem. The defacto complainant was not living along with the father. The father was taken care by the petitioner at that particular point of time. It is thereafter, the father had suffered serious illness and as on date, it is the petitioner, who is providing day care to the father by also appointing an assistant to look after his needs.

3. The case of the prosecution is that taking advantage of the illness of the father, the petitioner had transferred more than Rs.1/- crore from the account of the father and had also taken away jewels.



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4. The learned counsel for the petitioner and the learned Government Advocate (Crl. Side) placed reliance on the very same bank account and bank statement of the father bearing account No. 0178107000867 of HDFC Bank at Erode Branch at Salem.

5. The learned Government Advocate (Crl. Side) pointed out the credits to the account of the petitioner from the said account. The learned counsel for the petitioner also relied on the same and produced medical bills of the father which run on daily basis and one such bill was for more than Rs.6/-lakhs, which according to the learned counsel, the petitioner had paid. There is no evidence that the defacto complainant had paid any amount towards the medical expenses of the father.

6. In view of these facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court No.2, Salem, on condition that the petitioner 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police once in a week ie., every Monday at 10.30 a.m., for a period of three weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

05.03.2024

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