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CRL OP NO. 3297 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3297 of 2025

1.K.G. Janakiraman
2.J.Muthulakshmi

Petitioners

Vs

The State Rep.By,
The Inspector Of Police
V-4, Rajamangalam Police Station
Chennai.
Crime No. 254 of 2024.

Respondent(s)

For Petitioner(s): Mr.K.Prabakar

For Respondent(s): Mr.S.Santhosh

Government Advocate, Criminal Side.

ORDER

Apprehending arrest in connection with Crime No.254 of 2024
registered for the offences punishable under Sections 406, 420 of IPC,
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 is the daughter-in-law of the petitioners; that the defacto complainant's husband and the petitioners are Directors of “Jayaswathy Constructions Private Limited”; that the de-facto complainant's husband died on 08.12.2020; that the petitioners had fraudulently transferred all the shares which stood in the name of K.J.Jaya Srinivasan (de-facto complainant's husband) to their name and denied the shares to the de-facto complainant and her daughter. Hence the case.

3. The learned Counsel appearing for the petitioners would submit that it is the case of dispute with regard to sharing of property; and that the petitioners have not committed any offence as alleged by the prosecution and that custodial interrogation is not required in this case.

4.The learned Government Advocate [Criminal Side] appearing for the respondent police while opposing for grant of anticipatory bail reiterating the prosecution case.



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5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels on either side, considering the nature of allegations the transactions between the petitioners and the de-facto complainant, the relationship between the parties, and since custodial interrogation is not required in the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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



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receipt of a copy of this order, before the learned **XIII Metropolitan Magistrate, Egmore, Chennai**, 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 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;



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[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.

17.02.2025

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SUNDER MOHAN, J

MSM

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