



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2025

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CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 7313 of 2025

1. K Subba Rao

No.8, Naval Hospital Road, First Lane,
Periamet, Chennai- 600 003S/o. K.
Kasaiah (Alias) K. James No.8, Naval
Hospital Road, First Lane, Periamet,
Chennai- 600 003

2. K Pushparaj

S/o. K.James, No.13, Naval Hospital
Road, First Lane, Periamet,
Chennai-600 003

3. K Sheeba

D/o.K.Pushparaj No.13, Naval Hospital
Road, First Lane, Periamet,
Chennai- 600 003

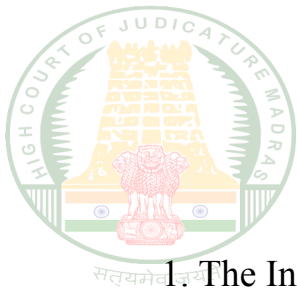
4. K Ravi Chandra kumar

S/o. K.Subbarao No.8/1, Naval
Hospital Road, First Lane, Periamet,
Chennai-600 003

5. K Ravikumar

S/o. K.Subbarao, No.8/1, Naval
Hospital Road, First Lane, Periamet,
Chennai-600 003

Petitioner(s)



Vs

1. The Inspector Of Police (crime)

No.8, Naval Hospital Road, First Lane,
Periamet, Chennai- 600 003vepery -G1
Police Station Vepery, Chennai -7

Respondent(s)

CRL OP No. 7313 of 2025

PRAYER

To enlarge the Petitioners/Accused on anticipatory bail in No.140 of 2023 pending investigation on the file of the Respondent Police and to pass such order or orders that may deem fit and proper in the light of the facts and circumstances of this instant case and thus render Justice.

CRL OP No. 7313 of 2025

For Petitioner(s): Mr. Joshua Hudson Samuel
For Respondent(s): Mr. S. Santhosh,
Government Advocate

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 403, 406, 420 and 120B of IPC in Crime No.140 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners 1 and 2 are brothers of the deceased; that the defacto complainant is the husband of the deceased;

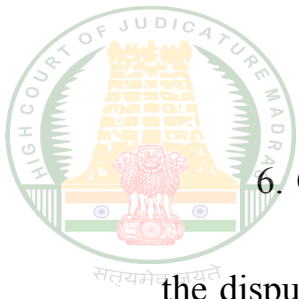


that the defacto complainant is entitled to the property of the deceased; and that the petitioners are falsely claiming title over the property of the deceased; that the petitioners had also used cheque of the deceased and withdrawn the amount after the death and thus, committed the aforesaid offence.

3. Learned counsel for the petitioners would submit that under the Indian Succession Act, 1925 the petitioners also entitled to get share in the property of the deceased, as the deceased had no lineal descendant; and that the allegation that the petitioners have withdrawn the amount is also false; and that in any case, during enquiry, they have transferred the amount to the account of the defacto complainant.

4. Learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed the fact that petitioners had transferred a sum of Rs.16,00,000/- to the account of the defacto complainant during enquiry.

5. Learned counsel for the defacto complainant however submitted that the petitioners had misused the cheque and withdrawn the said amount and opposed the grant of anticipatory bail to the petitioners.



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6. Considering the nature of allegations, the aforesaid facts, the fact that the dispute is between close relatives relating to the properties of the deceased and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners 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 on which the order copy made ready, before **the learned II Metropolitan Magistrate, Egmore**, on condition that the petitioners shall execute separate 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 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.



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[b] the petitioners 1 and 2 shall report before the respondent police once in a week i.e., every Saturday at 10.30 am until further orders and the petitioners 3 to 5 shall report before the respondent police as and when required for interrogation.

[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.

18-03-2025

AT

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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CRL OP No. 7313 of 2025



SUNDER MOHAN, J.

AT

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To

1.The Inspector Of Police (crime)
No.8, Naval Hospital Road, First Lane,
Periamet, Chennai- 600 003vepery -G1
Police Station Vepery, Chennai -7

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