

CRL.O.P.No.13349 of 2016**S.VAIDYANATHAN,J.**

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 409 I.P.C. in Crime Number not known on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner, learned Government Advocate (Crl. Side) for the respondent police and the learned counsel appearing for the Intervenor.

3. The case of the prosecution is that the defacto complainant lodged a complaint with the respondent police on 29.07.2015 against the petitioner that he is causing damage to the machineries.

4. According to the petitioner, one M/s. Beta Die Casting Equipment Inc represented by their Area Manager, Rajasekar Prasad, instituted suit proceedings against the petitioner in C.S.No.357 of 2013 before this Court and sought injunction restraining the petitioner from causing damages to the machines, which are the subject matter of the suit. In furtherance to the said prayer, this Court vide order dated 06.03.2014 granted an order of injunction restraining the petitioner from in anyway causing damages to the said machines. She further submitted that the interim injunction is still in force and the petitioner has not acted against the order. She further submitted that the respondent has been harassing the petitioner and threatening him with an arrest.

5. Learned counsel for the Intervenor submitted that the matter is pending for enquiry and that the petitioner has to be enquired thoroughly and he has to be charge-sheeted.

6. Taking note of the fact that an order of interim injunction is still operating against the petitioner and that a Civil Suit is pending, this Court is of the view that custodial interrogation of the petitioner is not required in this matter at this stage. **Hence, I am inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Metropolitan Magistrate, Saidapet** subject to the following conditions:

(i) **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 Magistrate concerned;**

(ii) **the petitioner shall report before the respondent police at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;**

(iii) **the petitioner shall not tamper with evidence or witness either during investigation or trial;**

(iv) the petitioner shall not abscond either during investigation or trial.

[vii] on breach of any of the aforesaid conditions, the 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 petitioners released on bail by the 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]**.

01.07.2016

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