

Crl.O.P.No.9746 of 2016**S.VAIDYANATHAN, J.**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 448 and 506(2) IPC in Crime No.962 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of the premises and the defacto complainant is lessee. The petitioner and other persons were alleged to have threatened the defacto complainant with dire consequences to quit and deliver the vacant possession to the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner has purchased the property in question by virtue of sale deed, dated 30.10.2015 registered on the file of the Sub Registrar, Thiruvallikeni in Doc.No.1457 of 2015 and the defacto complainant is the lessee in respect of one portion in the second floor of the property. He further submitted that the petitioner has paid the entire lease amount to the defacto complainant in the presence of the previous owner on 11.12.2015 and he agreed to quit and deliver the possession. After receiving the amount, the defacto complainant requested time for three months to deliver the vacant possession and the petitioner has also agreed for the same. Thereafter, the defacto complainant made an endorsement in the cancelled lease deed that he has received the entire lease amount from the petitioner and he undertake to deliver the vacant possession on or before 05.03.2016. It is further submitted that failing to hand over the possession, on 03.03.2016, defacto complainant filed a false suit in O.S.No.1218 of 2016 before the City Civil Court, Chennai against the petitioner and obtained interim injunction by suppressing all these facts. After obtaining interim injunction, the defacto complainant lodged a false complaint against the petitioner. He further submitted that the petitioner is innocent and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) would submit and there is no previous case against the petitioner.

5. Considering the facts and circumstances of this case and taking note of the fact that the petitioner is not involved in any previous

S.VAIDYANATHAN, J

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case, this Court is of the view that custodial interrogation of the petitioner is not required. this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date

of receipt of a copy of this order, before the XIII Metropolitan Magistrate, Egmore on his executing 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 and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not play the game which is prohibited under law.

[e] 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 petitioner 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]**.

27.06.2016

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