

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM
CRIMINAL ORIGINAL PETITION No.13199 of 2018

K.GOKULDOSS

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
K-3 AMINJIKARAI POLICE STATION,
CHENNAI CR.NO.96 OF 2018.

[RESPONDENT]

For Petitioner : M/S.ARULSELVAM ASSOCIATES Advocate

For Respondent : M/S.P.KRITIKA KAMAL, GOVERNMENT ADVOCATE [CRL.SIDE]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 452, 294(b), 392, 427, and 506(ii) of IPC r/w Section 3 of TNPPDL Act, in Crime No.96 of 2018, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the de-facto complainant is a tenant under the petitioner and he is running a tea stall in the property belonging to the petitioner. Due to landlord-tenant dispute, the petitioner along with another accused have entered into the shop of the de-facto complainant and forcibly removed the articles belonging to him.

4. The learned counsel for the petitioner submitted that a false complaint has been given by the de-facto complainant in order to extort money from the petitioner. Therefore, the petitioner may be granted anticipatory bail.

5. The learned Additional Public Prosecutor would submit that earlier the petitioner herein had been granted anticipatory bail by this Court vide order dated 19.03.2018 and the miscellaneous petition filed by him for extension of time to comply with the order dated 19.03.2018 has also been ordered and a further period of two weeks time was granted and despite that, the petitioner has not complied with the said order and he has now come forward with the present petition seeking anticipatory bail.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels, 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 arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Metropolitan Magistrate at Allikulam, Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, 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 petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

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

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF METROPOLITAN
MAGISTRATE AT ALLIKULAM,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
K-3 AMINJIKARAI POLICE STATION,
CHENNAI

+1 CC to M/S.ARULSELVAM ASSOCIATES on payment of necessary
charges in SR.NO. 8944

CRL OP.13199/2018

Date :09/05/2018

MLT-11/05/2018