

CRL.O.P.No.13109 of 2019**V.BHAVANI SUBBAROYAN, J.**

The case of the petitioner is that a private compliant was filed by the 2nd respondent before the Learned Judicial Magistrate, 1st Class, East Sikkim at Gangtok in P.C.Case No.43 of 2018 for the offences under Sections 405, 420, 441 read with 120-B of the Indian Penal Code and a non-bailable warrant has been issued against the petitioners vide an order dated 02.05.2019 returnable by 25.05.2019. The petitioners apprehend arrest by the 3rd respondent through the 1st respondent.

2.The case of the 1st petitioner is that he had entered into a rental agreement in respect of a property at Chisopani Block, Opp. Bhanu Park, NH 10, Singtam, East Sikkim, Gangtok, belonging to the 2nd respondent for setting up a pharmaceutical company in the name and style of M/s.Pristine Life Sciences for a period of 5 years. As there was a dispute between the parties, the petitioners were directed to vacate the said premises. The allegations against the petitioners are that they did not pay the rent and made alterations in the premises and dismantled the fittings and fixtures. The complaint was filed by the said owner and summons were issued, and the case was posted to 20.03.2019. On 20.03.2019, fresh summons were issued returnable by 04.04.2019.

Again on 04.04.2019, fresh summons were issued against the petitioners' to their factory premises at Guwahati and the case was posted to 02.05.2019. The petitioners submit that they received the said summons at 1:00 P.M on 02.05.2019 by their employee and therefore, they were not able to appear before the Hon'ble Court on 02.05.2019 at Sikkim. Due to their non-appearance, the Hon'ble Court has issued non-bailable warrant against them and directed the 3rd respondent to execute the same. The petitioners submit that the dispute is purely civil in nature, but the same has been made into a criminal case. Further, the said rental agreement was also renewed periodically and there is no case against them to attract the offence under Section 420 of the Indian Penal Code.

3.The learned Public Prosecutor, Puducherry, would submit that the petitioners are permanently residing at No.79, Maari Amman Koil Street, Thattanchavady, Puducherry-605009 and he has got no objection for granting them bail.

4.Since the petitioners belong to Muslim Religion, they are undergoing fasting for Ramalan. Hence, the learned counsel submitted that they are not in a position to travel upto Gangtok.

5. Based on the submissions of the learned Public Prosecutor and the petitioners, this Court is inclined to give anticipatory bail to the petitioners for a period upto 12.06.2019. Meanwhile, the petitioners are directed to approach the concerned Court for necessary orders.

6. This Court accepts the case of the petitioners and they are at liberty to approach the said Hon'ble Court at Gangtok, by filing appropriate petitions on or before 12.06.2019.

7. Accordingly, interim interstate anticipatory bail is granted to the petitioner till 12.06.2019, on condition that the petitioners shall surrender before the learned Chief Judicial Magistrate, Pudhucherry, within a period of fifteen days from the date on which the order copy made ready and the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), each Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the said learned Magistrate. Further, from the date of execution of bail bond, the petitioners shall approach the competent Court in East Sikkim at Gangtok on or before 12.06.2019 and seek appropriate relief.

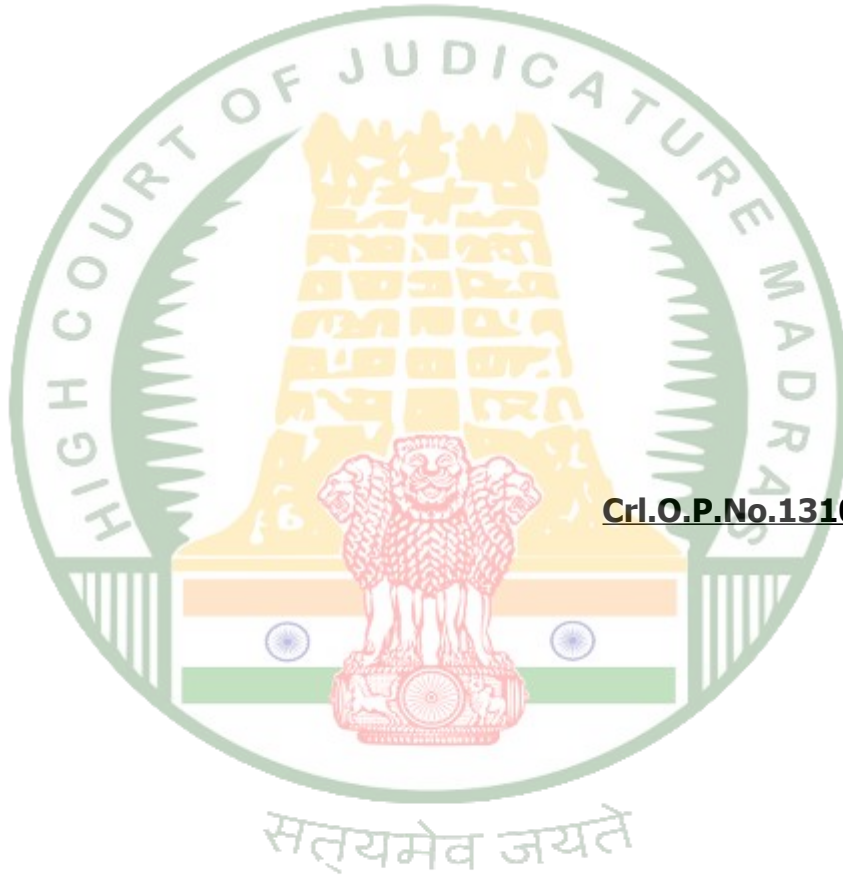
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