



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7700 of 2019

Ramesh,, ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.
Cr.No.249/2019. ... Respondent/Complainant

For Petitioner : M/s.K.Sivabalan,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor,

For Intervenor: Mr.P.Ronald

PETITION FOR ANTICIPATOR BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

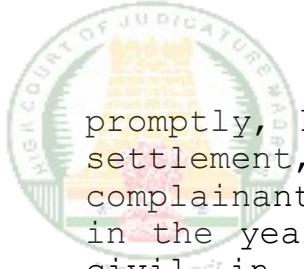
For Anticipatory bail in Cr.No.249/2019 on the file of the respondent police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b) and 506(ii) of IPC, in Crime No.249 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that the petitioner is the landlord and the defacto complainant is the tenant, the defacto complainant did not pay the rent amount



promptly, hence in the year 2016 itself after receiving the final settlement, he vacated the premises. Thereafter, the defacto complainant initially gave a complaint before the respondent police in the year 2017, that complaint has been closed as complaint is a civil in nature. Subsequently, on 08.04.2019 suppressing the earlier complaint, the present case has been registered and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned counsel for the intervenor has submitted that the petitioner did not repay the advance amount of Rs.8,00,000/- and hence, the defacto complainant asked the petitioner to return the advance amount. At that time, the petitioner used filthy language and made criminal threat upon the defacto complainant and hence, he strongly opposed the petition.

5.The learned Additional Public Prosecutor appearing for the respondent has submitted that the defacto complainant is the erstwhile tenant of the petitioner's shop and he has vacated the shop in the year 2017, but, the petitioner did not repay the advance amount and therefore, he opposed the petition.

6.The learned counsel for the petitioner, by way of reply, has submitted that as per the lease deed only Rs.4,00,000/- has been paid as advance and after adjusting with the arrears of rent the balance amount of Rs.50,000/- was repaid by the petitioner and as on date no amount is due to the defacto complainant.

7.The learned counsel for the intervenor has submitted that as per the lease deed Rs.4,00,000/- paid and apart from that the defacto complainant has paid another Rs.4,00,000/-.

8.In the lease deed it is stated that only Rs.4,00,000/- paid as advance. The defacto complainant has not produced any material to show that he has paid Rs.8,00,000/- as advance. Already the petitioner has repaid Rs.50,000/-. Taking into consideration of the aforesaid facts and also the submission of the learned counsel for the petitioner that there was arrears of rent, this Court is inclined to grant anticipatory bail by imposing conditions, directing the petitioner to deposit a sum of Rs.1,00,000/- in the above crime number as security.

9. 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 Judicial Magistrate Court No.II, Thoothukudi District, on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



[i]the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.249 of 2019 before the Judicial Magistrate Court No.II, Thoothukudi District, without prejudice his defence before the trial Court;

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

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

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

(v)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 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/06/2019

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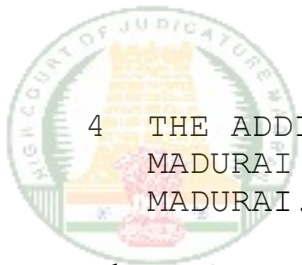
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.

2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P. RONALD, Advocate (SR-10289[I] dated 24/06/2019)

+1 CC to M/s.K.SIVA BALAN, Advocate (SR-10358[I] dated 24/06/2019)

ORDER

IN

CRL OP (MD) No.7700 of 2019

Date :21/06/2019

LS

AE/JC/SAR-IV (28.06.2019) 4P 7C