

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)
Friday, the Sixth day of March Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL ORIGINAL PETITION No.5360 of 2020

R.MAHENDRAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT
(CRIME NO. 20/2020)

[RESPONDENT]

For Petitioner : M/S. N.BHASKARAN Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 336, 427, 409, 420 and 506(i) of IPC in Cr.No.20 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The case of the Prosecution, as per the defacto complainant is that the defacto complainant was granted dealership for running a petrol bunk by the Indian Oil Corporation. Due to non following of the Rules, the defacto complainant had sustained loss. When he has raised a dispute, the Indian Oil Corporation had terminated his dealership. Against the order of termination, several legal proceedings were pending between the defacto complainant and the Indian Oil Corporation. While the proceedings are pending before this Court, the Petitioner/A2 herein, who is a registered Contractor with the Indian Oil Corporation, Chennai Division for doing retail outlet maintenance work and construction work and the Manager of IOCL/A1, had attempted to destroy the underground tank in order to destroy the evidence and prevent the defacto complainant from getting favourable orders from the Court. Thereafter, since on the complaint given by the defacto complainant, the Petitioner/A2 was enquired, the Petitioner had filed Crl.OP.No.34151 of 2019, seeking anticipatory bail, wherein, by order dated, 22.01.2020, the Petitioner was directed to appear for enquiry. The defacto complainant had also filed Crl.OP.No.10 of 2020 to the register the complaint, wherein by

order dated, 10.01.2020, this Court had directed to register the complaint against the Petitioner herein and on such directions, the present complaint came to be registered against the Petitioner herein, arraying him as A2 and the Manager of IOCL as A1.

3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4.According to the Petitioner/A2, he is only a contractor and based on the assignment given to him by the IOCL, he had discharged his duty and he is in no way connected with the alleged offences and he has been falsely implicated in the case on hand. The co-accused/A1 was enlarged on bail in CrI.OP.NO.4878 of 2020 by order dated, 02.03.2020. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5.On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that due to non following of the procedure in constructing the underground tank, the defacto complainant had sustained loss and during the pendency of the proceedings before the Court, since an attempt had been made by the Petitioner/Contractor/A2 along with A1, who is the Manager of IOCL, to remove the underground tank in the petrol bunk in order to destroy the evidence, anticipatory bail cannot be granted to the Petitioner.

6.Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the XVII Metropolitan Magistrate, Saidapet, Chennai, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-

i. If the Petitioner fails to surrender before the XVII Metropolitan Magistrate, Saidapet, Chennai, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

ii.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 XVII Metropolitan Magistrate, Saidapet, Chennai. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their

iii. The Petitioner shall report before the Respondent Police, daily at 10.30 a.m. for a period of one week and thereafter, as and when required.

iv. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.

v. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.

vi. If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-

06/03/2020

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 METROPOLITAN MAGISTRATE NO.XVII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S. N.BHASKARAN Advocate on payment of necessary charges SR NO.4604

CRL OP.5360/2020

Date :06/03/2020

MK:13/03/2020

<https://hcservices.ecourts.gov.in/hcservices/>