

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No.5619 of 2020

S.Paulraj

... Petitioner

Vs.

State rep. by

The Sub-Inspector of Police (Crime),
Ambattur Police Station,
Ambattur,
Chennai-600 053.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of petitioner arrest pending investigation in Crime No.238 of 2020 dated 25.02.2020 on the file of the respondent police.

For Petitioners : Mr.S.Radhakrishnan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 447, 448, 341, 294(b), 506(ii) and 380 of IPC** in Crime No.238 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Venkatraman is that during his absence on 20.02.2020, the accused have trespassed into his house by breaking open the lock of the compound gate as well as the iron door of his house with iron rods and caused damages to the house hold articles and also taken away the original title deeds of his property. When he had come back on 22.02.2020, the accused have threatened him with dire consequences by showing knife and thereby, the defacto complainant requested the respondent to take action against the accused.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implication in this case due to previous enmity. He would further submit that there is a long pending dispute between the petitioner and the defacto complainant. In fact the petitioner had earlier on 11.11.2017, given a complainant against the defacto complainant before the Ambattur Police following which, an enquiry was conducted in C.S.R. No.1679 of 2017 and thereafter, there has been series of disputes between the defacto complainant and the petitioner. On 26.11.2019 also, the defacto complainant along with his henchmen, trespassed into the property of the petitioner and on the complaint given by the petitioner, an enquiry was conducted in C.S.R.No.2008 of 2019 by the Ambatur Police and for the reasons best known, a false complaint has been foisted against the petitioner. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner trespassed into the house of the defacto complainant along with his henchmen by breaking open his house doors and taken away the original documents of his property and also threatened the defaco complainant with dire consequences. Hence, he vehemently opposed for grant of anticipatory bail.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, **within a period of fifteen days from the date on which the order copy is made ready**, before the **learned Judicial Magistrate, Ambttur, Chennai-600 053**, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

08/10/2020

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 JUDICIAL MAGISTRATE,
AMBATTUR, CHENNAI-600 053.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE (CRIME),
AMBATTUR POLICE STATION,
AMBATTUR, CHENNAI-600 053.

+1CC to M/S. S.RADHAKRISHNAN Advocate on payment of
necessary charges SR NO.6747

CRL OP.5619/2020

Date :08/10/2020