

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM :

THE HONBLE MR. JUSTICE.N.ANAND VENKATESH

Crl.O.P.Nos.5911 & 5989 of 2020 and

Crl.M.P.Nos.3687 & 3688 of 2020

Annadurai ... Petitioner/A1 in Crl.O.P.No.5911/2020

Velmani ... Petitioner/A3 in Crl.O.P.No.5989/2020

VS.

State represented by. ... Respondent in both the OPs
The Sub-Inspector of Police,
Selaiyur Police Station, Chennai.
(Crime No.132 of 2020)

Prayer :- Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Crime No.132 of 2020 the file of the respondent police.

For Petitioners : Mr.R.Thirumoorthy
(in both the Ops)

For Respondent : Mr.Mohammad Riyaz,
Additional Public Prosecutor
(in both the Ops)

ORDER

The petitioners/A1 & A3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 447 and 506(1) in Crime No.132 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that defacto complainant is the owner of the property. She is said to have leased out the property to A1, who intern has illegally permitted A2 & A3 to put up a shop. There are totally 3 accused persons in this case and the petitioners are added as A1 & A3.

3. The learned counsel appearing for the petitioners submitted that a landlord and tenant dispute is attempted to be given a criminal colour and civil proceedings are also pending between the parties.

4. Mr.Habeeb Rahmand, the learned counsel appearing for the intervenor submitted that FIR has been subsequently altered by adding offence under Sections 120b and 420 of IPC against all the three accused persons. The learned counsel submitted that A1 with an intention of cheating the defacto complainant has illegally permitted the second and third accused to run a shop in the premises and has also attempted to grab the property from the defacto complainant.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that A2 was arrested in this case and he was later released on bail. The learned counsel further submitted that now investigation is pending.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Tambaram** on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 learned Magistrate concerned, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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

[d] the petitioners 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 petitioners 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 229A IPC.

-sd/-

11/06/2020

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
CHENNAI.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

Cr1.O.P.Nos.5911 & 5989 of 2020 and
Cr1.M.P.Nos.3687 & 3688 of 2020

Date :11/06/2020

TA-17/07/2020

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