

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.6926 of 2020

1. B.Baskar S/o.Balasubramani
 2. B.Vinoth S/o.B.Baskar
- Petitioners

Vs.

The Station House Officer,
Inspector of Police
Flower Bazaar Police Station,
Chennai.
(Crime No.78 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.78 of 2020 pending on the file of the respondent.

For Petitioner : Mr.E.Anbarasan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 447, 448, 380, 294(b) and 506(ii) IPC in Crime No.78 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was a tenant under the first petitioner. While so, the petitioners wanted to vacate the defacto complainant and thereby, trespassed into his premises, abused in filthy language and took possession of the property and driven him out the premises. Hence, the complaint.

3. The learned counsel for the petitioners would submit that there was some rental dispute pending between the petitioners and the defacto complainant due to which, a false case has been given against the petitioners. He further submitted that after giving Memorandum of understanding, the defacto complainant vacated the premises. Hence, he prays for grant of anticipatory bail to the

petitioners.

4. The learned Additional Public Prosecutor submitted that defacto complainant was a tenant under the first petitioner. While so, the petitioners trespassed into his premises, abused in filthy language and took possession of the property and driven him out the premises. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering 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 petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, within a period of fifteen days from the date of lifting of lockdown or commencement of Court's normal functioning whichever is earlier, before the VIII Metropolitan Magistrate, George Town, Chennai, on condition that the petitioners shall execute a separate 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:

[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 daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
05/08/2020

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.VIII,GEORGE TOWN,CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER
INSPECTOR OF POLICE,
FLOWER BAZAAR POLICE STATION,
CHENNAI.

CC to E.ANBARASAN Advocate on payment of necessary charges

CRL OP.6926/2020

RD 28/08/2020

Date :05/08/2020

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