

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.OP.No.8775 of 2020

A. Roshan

.. Petitioner

Vs

State Rep.by

.. Respondent

The Inspector of Police,  
Shiva Kanchi Police Station,  
Periya Kancheepuram,  
Kancheepuram District - 631 502.  
Crime No.2176 of 2020.

Criminal Original Petition filed under Section 438 of Cr.P.C.,  
praying to grant anticipatory bail to the petitioner in the event of  
his arrest from the hands of respondent police in Crime No.2176 of  
2020.

For Petitioner : Mr. R. Krishna Prasad

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

**ORDER**

The petitioner, who apprehends arrest at the hands of the  
respondent police for the alleged offence punishable under Sections  
147, 448, 323, 506(1) of I.P.C in Crime No. 2176 of 2020 on the  
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there is a dispute  
regarding the administration of the trust and the accused persons  
are said to have trespassed into the property and damaged the table  
and chair worth about Rs.5,000/- (Rupees Five Thousand only). There  
are totally five accused persons in this case and the petitioner has  
been added as A5.

3. The learned counsel for the petitioner submitted that a  
false case has been foisted against the petitioner and he has  
nothing to do with the alleged offence.

4. The learned Additional Public Prosecutor appearing on  
behalf of the respondent, on instructions, submitted that the

complaint was given by the security guard of the trust and the accused persons are said to have illegally trespassed into the property and caused damage to the table and chair.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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 concerned on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 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.

[b] the petitioner is directed to appear before the respondent, as and when required.

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

[d] the petitioner 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 person thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
16/06/2020

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 NO.1,  
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
SHIVA KANCHI POLICE STATION,  
PERIYA KANCHEEPURAM,  
KANCHEEPURAM DISTRICT-631502.

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

CRL OP.8775/2020

Date :16/06/2020

TA-21/09/2020



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