

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.10719 of 2020

D.Kumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Kelambakkam Police station,
Chengelpet District.
Crime No.3057/2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.3057 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Venkatesan

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 427,
447, 461 and 506(ii) IPC in Crime No.3057 of 2020, on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner trespassed
into the property of the defacto complainant and attempted to put up
construction in the property. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that due to
previous enmity with regard to property, a false case has been
foisted against the petitioner. He would further submit that the
property is Poramboke land and there is pendency of suit between the
petitioner and the defacto complainant in O.S.No.36 of 2020, on the
file of the Additional Sub Court, Chengelpet. Hence, he prays for
grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the
petitioner trespassed into the property of the defacto complainant
and attempted to put up construction. However, he opposed for grant
of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is a suit pending between the parties before the Additional Sub Court, Chengelpet, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.1, Chengelpet, 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:

[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 shall report before the respondent 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 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 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].

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

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

-sd/-

17/07/2020

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.

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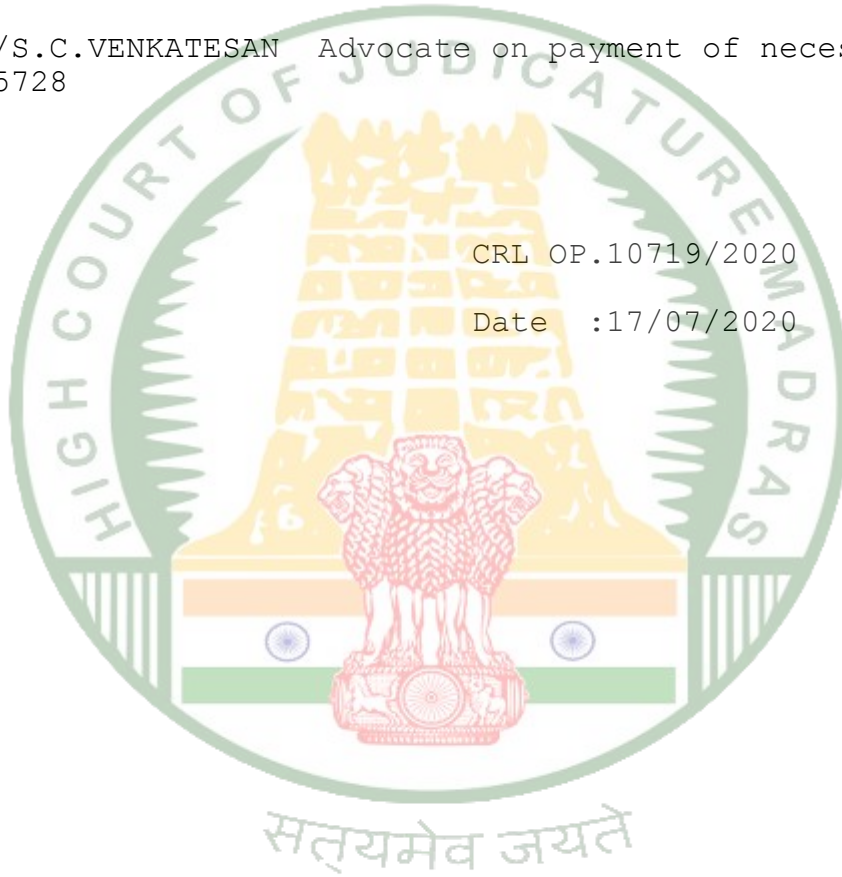
1 THE JUDICIAL MAGISTRATE,
NO.I, CHENGELPET

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
KELAMBAKKAM POLICE STATION,
CHENGLEPET DISTR,

+1 CC to M/S.C.VENKATESAN Advocate on payment of necessary
charges SR NO. 5728

rd 21/07/2020



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Date :17/07/2020

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