

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12424 of 2020

N.Rajendran

...Petitioner

Vs.

1. State rep. by the Respondents
The Inspector of Police, Team V,
CCB, O/o. the Commissioner of Police
Vepery, Chennai.
2. The Superintendent of Police,
CCB, O/o. the Commissioner of Police,
Vepery, Chennai.
Crime No. 53 of 2019

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 53 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Dr.P.S.Vijayakumar
For Respondent : Mr. M. Mohamed Riyaz
Additional Public Prosecutor

ORDER

(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 420, 465, 468, 471 and 34 of I.P.C, in Crime No. 53 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Gowri is that the property was allotted to the defacto complainant's father and it was settled in favour of the defacto complainant. The defacto complainant had rented out the house to one Neela and the said Neela had stopped paying rent to the defacto complainant from May 2017 and when she asked Mrs.Neela to pay the rent, the said Neela replied that the house where they are living belonged to them. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the brother of the defacto complainant and he had sold the property to A1 and A2. He would submit that the petitioner's father was allotted a plot in Survey No.7, Mangalapuram first street, Chetpet, Chennai -31 and the petitioner was in possession and enjoyment of the property which was in front of the property and he had put up a house and he had sold the property after obtaining necessary electricity connection. Hence he prays for a anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant's father was allotted with a property and without knowledge of the defacto complainant, the property was sold to the tenant by her brother. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Metropolitan Magistrate for CCB & CBCID, Egmore, Chennai, on condition that the petitioners 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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

-sd/-
26/08/2020

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 FOR CCB & CBCID,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
TEAM V, CCB, O/O. THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI.

4 THE SUPERINTENDENT OF POLICE
CCB, O/O. THE COMMISSIONER OF POLICE, VEPERY,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. DR. P.S.VIJAYAKUMAR Advocate on payment of
necessary charges

CRL OP.12424/2020

Date :26/08/2020

TA-22/09/2020