

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.12610 & 12524 of 2020

M.Senthil Kumar

... Petitioner/4th Accused
in Crl.O.P.No.12610/2020

1.Vijayakumar

2.Selvi

3.Sandirani

... Petitioners/Accused Nos.2,3&5
in Crl.O.P.Nos.12524/2020

Vs.

The State represented by,
The Inspector of Police,
Guduvancheri Police Station.
(Crime No.585 of 2019)

... Respondent/Complainant
in both petitions

Prayer: Criminal Original Petition filed under Section 438
Cr.P.C. to enlarge the petitioner on bail in the event of the
arrest in Crime No.585 of 2019 pending investigation on the
file of the respondent police.

For Petitioners

: Mr.R.Thirumoorthy

[Crl.O.P.No.12610/2020]

: Mr.K.Shyam Sunder

[Crl.O.P.No.12524/2020]

For Respondent in

both petitions

: 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 420, 147, 294(b), 323, 447 and 506(i) of IPC, in Crime No.585 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Muralidaran, is that Devi/A1 in this case had taken the premises of the defacto complainant to lease for running a tuition centre and agreed to pay an amount of Rs.25,000/- and she had also paid an amount of Rs.1,00,000/- as advance and defacto complainant had taken rent only for three months and thereafter, she had not the paid rent. Thereby, he had asked her to vacate the premises. While, on 03.07.2019 some persons claiming to be advocates came to the place of the defacto complainant and threatened him with dire consequences to open the premises.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that A1/Devi had taken a premises on lease and she had agreed to pay an amount of Rs.25,000/- as monthly rent and had also paid an advance amount of Rs.1,00,000/-. Due to some financial crisis she was unable to pay rent and the defacto complainant who is the owner of the building, took law into his own hands and attempted to throw away her articles and tried to evict her without following due process of law and since, the petitioners who are the Advocate and relatives of A1 questioned the same, a false complaint was given against them.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused/Devi in this case was a tenant under the defacto complainant and she had failed to pay the rent properly and when the defacto complainant had asked her to vacate, the petitioners have abused and assaulted him. He would further submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6 Accordingly, the petitioners are directed 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 No.11, Chengalpattu, on condition that each petitioner 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 viz., M.Senthil Kumar & Vijayakumar shall report before the respondent police every day 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 viz., Selvi & Sandirani shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter, 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 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 229A IPC.

7 With the above directions, these Criminal Original Petitions are ordered.

-sd/-
27/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE NO.II,
CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

3 THE INSPECTOR OF POLICE,
GUDUVANCHERI POLICE STATION

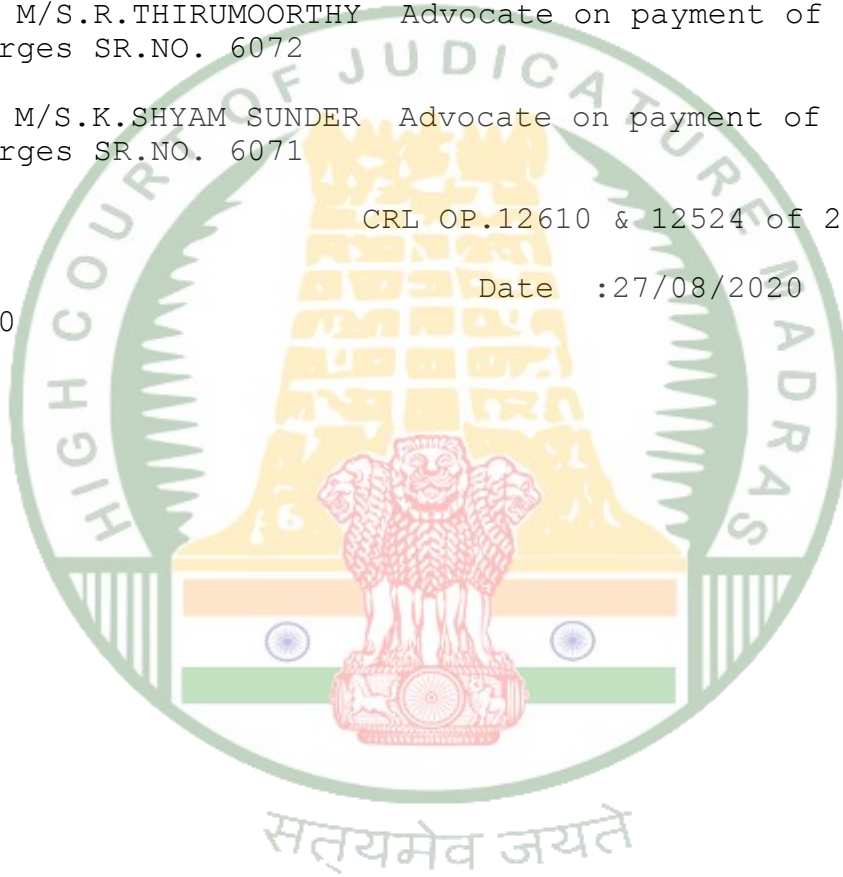
+1 CC to M/S.R.THIRUMOORTHY Advocate on payment of
necessary charges SR.NO. 6072

+1 CC to M/S.K.SHYAM SUNDER Advocate on payment of
necessary charges SR.NO. 6071

CRL OP.12610 & 12524 of 2020

Date :27/08/2020

GKS:04/09/2020



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