

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.12573 of 2020

1. Shiek @ Sheik Mohideen
2. Abu @ Mohamed Abubakar Shagul Hammed
3. Usharani @ Ayasha Bibi Shagul Hammed ... Petitioners/Accused

Vs.

State Rep. by

Inspector of Police,

T-6, Avadi Police Sttaion,

Chennai.

(Crime No. 1001 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No. 1001 of 2020 pending investigaiton on the file of the respondent police.

For Petitioners : Mr. R.Thirumoorthy

For Respondent : Mr. M.K.Prabakar

Additional Public Prosecutor

ORDER

(This 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 294(b), 341, 324, 506(ii) of IPC in Crime No.1001 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the defacto complainant is that his brother Sasikumar took the shop under tenant agreement from the first accused and due to Covid -19, the said Sasikumar was unable to pay the rent and thereafter, the first accused had attacked the defacto complainant and his brother Raghu with hands and also wooden log.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would also submit that in order to evade payment of rent, a false case has been foisted against the petitioners. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is the lessee in the shop run by the petitioners and since he was unable to pay the rent, the petitioners had assaulted the defacto complainant.

5. Taking into consideration the facts and submissions of the learned Counsels, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate No.II, Poonamallee**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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., 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/08/2020

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 JUDICIAL MAGISTRATE NO.II,
POONAMALLEE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
T6 AVADI POLICE STATION,
CHENNAI.

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

CRL OP.12573/2020

Date :19/08/2020

MK:07/09/2020

WEB COPY