

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.11201 of 2020

Dinesh

... Petitioner

Vs.

State By

Inspector of Police,
Mamallapuram Police Station,
Chengalpet District.
Crime No.942 of 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 by the respondent police in Crime No.942 of 2020 on the file of the respondent police.

For Petitioner : Mr.L.Ramu

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under **Sections 294 (b), 448, 506(i) of Indian Penal Code read with 3(1) of TNPPDL Act, in Crime No.942 of 2020**, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is running a Handicraft Sculpture Production Centre in the shop owned by the petitioner's deceased father. While so, the petitioner in order to evict the defacto complainant, caused damages to the sculptures made by him which is worth about Rs.4,00,000/-. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case due to tenancy dispute. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the defacto complainant was tenant under the petitioner and in order to evict him, the petitioner has caused damages to the sculptures made by the defacto complainant worth Rs.4,00,000/-.

5. At this juncture, the learned Counsel for the petitioner would submit that without prejudice to his defence and contention, the petitioner is prepared to deposit a sum of Rs.1,00,000/- to the credit of crime number in order to show his bonafide.

6. Taking into consideration the facts and submissions of the learned Counsels and the petitioner has come forward to deposit a sum of Rs.1,00,000/- to the credit of crime number in order to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

a. Accordingly, the petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.942 of 2020** and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, **within a period of four weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned District Munsif cum Judicial Magistrate, Thirukalukundram**, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the final order in respect of the said deposit shall be passed by the learned Magistrate at the time of conclusion of trial.

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].

[h] 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/-
07/09/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKALULKUNDRAM.

2 THE PUBLIC PROSECUTOR
MADRAS HIGH COURT, CHENNAI.

3 THE INSPECTOR OF POLICE,
MAMALLAPURAM POLICE STATION,
CHENGALET DISTRICT.

CC to M/S.L.RAMU Advocate on payment of necessary charges

CRL OP.11201/2020

Date : 07/09/2020

MK:16/09/2020