

2. The case of the prosecution as per the defacto complainant Gothandaram is that the petitioners Ajitha and Esakkimuthu who were tenants under him, trespassed into his property, pushed his aged mother and took away the electronic items on the instigation of one Arun Gandhi/ the petitioner in Crl.O.P.No.14308 of 2020. Hence, the complaint.

3. The learned counsel for the petitioners in Crl.O.P.No.14107 of 2020 would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners/A1 and A2 are tenants under the defacto complainant and they have paid the advance amount of Rs.50,000/- and they also agreed to pay Rs.5,000/- per month as rent and that they were in living in the first floor of the premises which belongs to the defacto complainant. Later, the petitioners came to know that the property belongs to H.R. & C.E. Board. When it was questioned, there was a dispute between the parties due to which, a false complaint has been given against the petitioners. He would further submit that the petitioners are still residing in the above mentioned premises and they have been appearing before the respondent for enquiry. He would further submit that a case of tenancy dispute has been projected as a case of theft and the defacto complainant is trying to drive out the petitioners without following due process of law by taking undue advantage of the complaint. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Counsel for the petitioner in Crl.O.P.No.14308 of 2020 would submit that the petitioner is the Advocate of A1 and A2. Since the defacto complainant attempted to evict A1 and A2 who are the tenants under the defacto complainant, by force, the petitioner intervened and thereby, a false case has been given against the petitioner as if, he supported the other accused. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that insofar as the petitioners in Crl.O.P.No.14107 of 2020 are concerned, they are arrayed as A1 and A2 and their daughter has been arrayed as A3 in this case and they are tenants under the defacto complainant. The allegation against A1 and A3 is that they have trespassed into the property of the defacto complainant when he was not in station, pushed his aged mother and taken away LED TV, Music Systems and wooden articles from his house. The petitioner in Crl.O.P.No.14308 of 2020 is arrayed as A5 and one Raja who is arrayed as A4 are the brain behind the acts of A1 to A3. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. The learned Counsel for the Intervenor would vehemently oppose stating that the petitioners in order to grab the property belonging to the defacto complainant, trespassed in the property, when he was not in station, pushed his aged mother and taken away LED TV, Music Systems and wooden articles from his house and also criminally intimidated his mother.

7. Heard the learned Counsels and perused the F.I.R.

8. Taking into Consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. 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 from the date of commencement of the Court's normal functioning**, before the **learned VII Metropolitan Magistrate, George Town, Chennai**, on condition that each 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 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
17/09/2020

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 METROPOLITAN MAGISTRATE NO.VII,
GEORGE TOWN, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B-1, NORTH BEACH POLICE STATION,
CHENNAI-600 001.

+1CC to M/S.M.MOHAMMED RAFI Advocate on payment of necessary charges SR NO.6302

+1CC to M/S.M.I.JAVID AKBAR Advocate on payment of necessary charges SR NO.6303

Cr1.O.P.Nos.14107 and 14308 of 2020
and
Cr1.M.P.No.5526 of 2020

Date :17/09/2020

MK:23/09/2020

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