

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.14237 of 2020

and

M.P.No.5781 of 2020

1. V.Krishnan
2. K. Kalarani
3. Surendra Mohan

... Petitioners

Vs.

State by Sub-Inspector of Police,
District Crime Branch, Salem.
Crime No. 9/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.9 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.P. Anantha Krishnan

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 409,
506(i) of IPC, in Crime No.9 of 2020, on the file of the respondent
police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is
that he is the owner of the property situated in Re.S.No.182/5 and
Re.S.No.183/B measuring seven acres of land together with building.
The third petitioner, who is a neighbour of the defacto complainant,
induced the defacto complainant to enter into a lease agreement and
thereby the defacto complainant entered into a lease agreement with
the first and second petitioners on 19.02.2012 for a period of 6
years for operating a spinning mill. The first petitioner/main
accused had signed the said agreement. The further averment is that
the first and second petitioners mishandled and damaged the
electrical equipments in the premises worth about Rs.90,00,000/- and
when the same was questioned by the defacto complainant, the first
and second petitioners agreed to rectify all the damages and hand
over the property. However, the first and second petitioners did not
do so and thereby caused loss of Rs.90,00,000/-. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that there was a landlord tenant dispute between the petitioners and the defacto complainant and an exaggerated complaint has been given. He would further submit that the petitioners have vacated the premises and handed over the possession to the defacto complainant and there is a dispute with regard to return of advance and in order to evade return of advance and a false complaint has been given. He would further submit that this dispute is purely civil in nature, which can be tried by filing a civil suit, but the defacto complainant has made a false complainant and gave criminal color to the civil dispute. However, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the petitioners would also submit that without prejudice to his defence, the first and second petitioners are ready and willing to deposit Original Title Deeds not less than Rs.25,00,000/- to the credit of the crime number.

5. The learned Additional Public Prosecutor would submit that the petitioners were lessee under the lease agreement and they have caused damages to the electrical equipments worth about Rs.90,00,000/- in the premises of the defacto complainant and they failed to rectify the damages or to compensate the loss. Hence, he vehemently opposed to grant bail to the petitioners.

6. The learned counsel for the intervenor submitted that on introduction of the 3rd petitioner the defacto complainant has let out the premises to the first and second petitioners, who in turn have failed to pay the rent and also caused damages to the electrical equipments worth about 90,00,000/-. Hence, he vehemently opposed to grant bail to the petitioners.

7. Taking into consideration the facts and submissions of the learned Counsel and the first and second petitioners are ready to deposit Original title deeds not less than Rs.25,00,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

8. Accordingly, the first petitioner is directed to deposit Original Title Deeds of immovable properties worth about Rs.25,00,000/- either standing in his name or his relatives/friends to the credit of the crime number. On such deposit, 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 copy of this order is made ready, the petitioners shall execute a separate 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 Judicial Magistrate VI Salem, 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 first and third petitioners shall report before the respondent daily 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 second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-

28/09/2020

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 JUDICIAL MAGISTRATE,
NO.VI, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM.

CC to M/S. K.P. ANANTHA KRISHNA Advocate on payment of
necessary charges Sr.6536

CC to M/S. M/S S.KALYANARAMAN (INT) Advocate on payment of
necessary charges

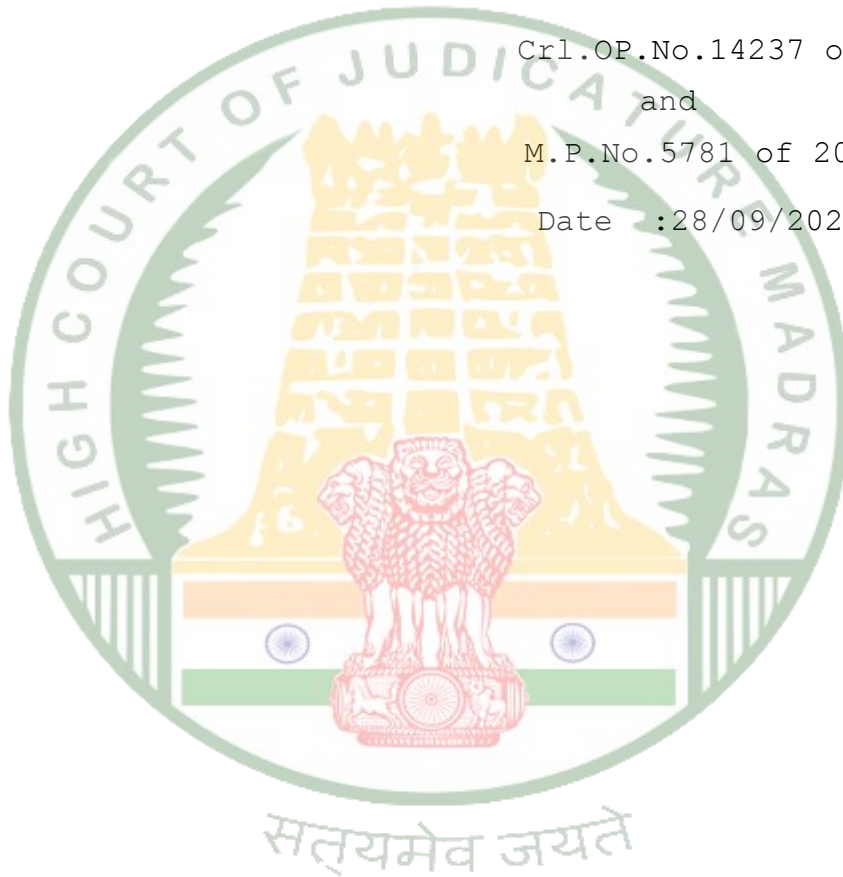
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RVR 15/10/2020



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