

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14393 of 2020

1. Juzar Akbar
2. Murtaza Juzar
3. Abbas Akbarali Lokhandwala ... Petitioners

Vs.

State Represented by :-
The Inspector of Police,
Tharamani Police Station,
Chennai.

Cr. No.340 of 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.340 of 2020 on the file of the Respondent police.

For Petitioners : Mr.K.Sakthivel

For Respondent : 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
379 of IPC Crime No.340 of 2020, on the file of the respondent
police, seek anticipatory bail.

2. It is the case of the prosecution that the on 30.02.2020 the
petitioners have stolen the name boards and shutter of the shop from
the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioners are landlords and there was some dispute between
the petitioners and the defacto complainant with respect to tenancy.
He would submit that the co-accused have been released on bail in
CrI.O.P.No.9632 of 2020 dated 29.06.2020. He would further submit
that 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
petitioners have stolen name board and shutter of the shop of the
defacto complainant. However, he opposed for grant of anticipatory
bail to the petitioners.

5. Considering the above facts and circumstances of the case and that the other accused involved in this case, have already released on bail in Crl. O.P.No.9632 of 2020, dated 29.06.2020 by this Court, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30a.m., for a period of two weeks 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

16/09/2020

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 XVIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THARAMANI POLICE STATION,
CHENNAI

CC to M/S.K.SAKTHIVEL Advocate on payment of necessary charges
Sr.6286

CRL OP.14393/2020

Date :16/09/2020

RVR 29/09/2020



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