

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15170 of 2020

R.Mahendran

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
Uthiramerur Police Station,  
Kancheepuram District.  
(Crime No.20 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest by the respondent police in Crime No.20 of 2020, on the file of the respondent police.

For Petitioner : Mr.N.Bhaskaran

For Respondent : Mr. M. Mohamed Riyaz,  
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 436, 427, 409, 420 and 506(ii) of IPC in Cr.No.20 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.

2.This is the second anticipatory bail petition. The learned counsel for the petitioner would submit that the petitioner was earlier granted bail by this Court on 06.03.2020 in CrI.O.P.No.5360 of 2020. Since the Courts were closed due to COVID-19, the petitioner was unable to surrender and execute the sureties. Therefore, the earlier order got lapsed.

3.The case of the Prosecution, as per the defacto complainant is that the defacto complainant was granted dealership for running a petrol bunk by the Indian Oil Corporation. Due to non following of the Rules, the defacto complainant had sustained loss. When he has raised a dispute, the Indian Oil Corporation had terminated his dealership. Against the order of termination, several legal proceedings were pending

between the defacto complainant and the Indian Oil Corporation. While the proceedings are pending before this Court, the Petitioner/A2 herein, who is a registered Contractor with the Indian Oil Corporation, Chennai Division for doing retail outlet maintenance work and construction work and the Manager of IOCL/A1, had attempted to destroy the underground tank in order to destroy the evidence and prevent the defacto complainant from getting favourable orders from the Court. Thereafter, since on the complaint given by the defacto complainant, the Petitioner/A2 was enquired, the Petitioner had filed Crl.OP.No.34151 of 2019, seeking anticipatory bail, wherein, by order dated, 22.01.2020, the Petitioner was directed to appear for enquiry. The defacto complainant had also filed Crl.OP.No.10 of 2020 to the register the complaint, wherein by order dated, 10.01.2020, this Court had directed to register the complaint against the Petitioner herein and on such directions, the present complaint came to be registered against the Petitioner herein.

4.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondent and also perused the materials placed on record before this Court.

5.According to the Petitioner/A2, he is only a contractor and based on the assignment given to him by the IOCL, he had discharged his duty and he is in no way connected with the alleged offences and he has been falsely implicated in the case on hand. The co-accused/A1 was enlarged on bail in Crl.OP.NO.4878 of 2020 by order dated, 02.03.2020. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

6.On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that due to non following of the procedure in constructing the underground tank, the defacto complainant had sustained loss and during the pendency of the proceedings before the Court, since an attempt had been made by the Petitioner/Contractor/A2 along with A1, who is the Manager of IOCL, to remove the underground tank in the petrol bunk in order to destroy the evidence, anticipatory bail cannot be granted to the Petitioner.

7.Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions.

8. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, **within a period of fifteen from the date of receipt of the copy of the order** before the **learned XVII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 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.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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.

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

-sd/-  
25/09/2020

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 XVII METROPOLITAN MAGISTRATE,  
SAIDAPET, CHENNAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
UTHIRAMERUR POLICE STATION,  
KANCHEEPURAM DISTRICT.

+1CC to M/S. N.BHASKARAN Advocate on payment of necessary  
charges SR NO.6482

CRL OP.15170/2020

Date :25/09/2020

MK:07/10/2020



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