

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15674 of 2020

P.Velusamy

.... Petitioner

Vs.

State by:

The Inspector of Police,
Thirumuruganpoondi Police Station,
Tirupur District.

(Crime No.3277 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.3277 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 & 380 IPC, in Crime No.3277 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Sanjeevkumar stating that he was running a company in the name of M/s.BM Textiles at the premises rented out by the petitioner's father and further allegation is that since the defacto complainant was unable to pay the rent, the petitioner had committed theft of machineries kept at the rented premises without knowledge of the defacto complainant and sold out the machineries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there was a tenancy dispute. He would further submit that the defacto complainant had taken the premises of the petitioner and he had failed to pay the rent. He would further submit that the petitioner is the owner of the premises. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the owner of the premises in which the defacto complainant was running a company in the name of M/s.BM Textiles Mill. He would further submit that the petitioner had broke open the premises and committed theft of machineries and stole them. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides

6. Taking into consideration the facts and submissions of the learned counsels, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] 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 days from the date on which the copy of this order is made ready, before the learned Judicial Magistrate No.III, Tiruppur, on condition that that 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, 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 every day at 10.30 a.m., for a period of four weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

[e] the petitioner 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 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].

[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/-
05/10/2020

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.III,
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUMURUGANPOONDI POLICE STATION,
TIRUPPUR DIST.

CC to M/S.P.M.DURAI SWAMY Advocate on payment of necessary charges

CRL OP.15674/2020

Date :05/10/2020

MK:15/10/2020