

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.16737 of 2020

P.J. David Pudota @ P.J.David

... Petitioner

Vs.

The State Represented by,Respondent
The Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai - 600 032.
(Cr.No.18 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of their arrest in Connection with the Crime No.18 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. M. Thangadurai

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 354, 499, 500, 506(i) of IPC in Crime No.18 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 she is working as Office Assistant in M/s Imaculata business Centre and her husband is also working as security in the same company, so that they were provided accommodation inside the company's building premises. The petitioner is the owner of the building and the employer of the defacto complainant is the tenant, while so, the petitioner misbehaved with the defacto complainant and touched her inappropriately and also sent a mail to her employer stating that the defacto complainant is having illegal affair with the watchman of the next building. Further, the petitioner had

threatened her and her husband. Hence, the defacto complainant gave a complaint to the Commissioner of Police, Chennai City Police and since no action was taken, she preferred a complaint before the Jurisdictional IX Metropolitan Magistrate Court, Saidapet and thereafter on the direction issued by the Magistrate under Section 156(3) of Cr.Pc., the respondent police has registered a criminal case under sections 354, 499, 500 and 506(i) of I.P.C. Hence, the complaint.

3. The learned counsel 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 already there was a tenancy dispute between the employer of the defacto complainant and the petitioner and there was Rs.17,81,277/- as arrears of rent due from the employer of the defacto complainant. Due to which the employer of the defacto complainant had set up the defacto complainant and instigated her to lodge a false complainant against the petitioner, who is aged about 78 years. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner who is the owner of the premises had inappropriately touched the defacto complainant who is the wife of the watchman of the rented premises and also sent an e-mail stating that the defacto complainant is having illegal affair with the watchman of the next building. He would further submit that already there was tenancy dispute between the employer of the defacto complainant and the petitioner. He would further submit that the defacto complainant had preferred the complaint before the Jurisdictional IX Metropolitan Magistrate Court, Saidapet and thereafter on the direction issued by the Magistrate under Section 156(3) of Cr.Pc., the respondent police has registered a criminal case under sections 354, 499, 500 and 506 (i) of I.P.C. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that there is a tenancy dispute between the employer of the defacto complainant and the petitioner, who is the owner of the building where the defacto complainant's husband was working as a watchman and both of them were living in the premises. While so the petitioner inappropriately touched the defacto complainant and also sent a mail to the employer of the defacto complainant stating that the defacto complainant was having illegal affair with the watchman of the next building. Further the petitioner has wielded life threat to the defacto complainant and her husband.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and submissions of the learned Counsel appearing on either side, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the IX Metropolitan Magistrate, Saidapet**, on condition that the petitioner 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:

[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 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 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]**.

[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/-

11/11/2020

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. IX, SAIDAPET

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

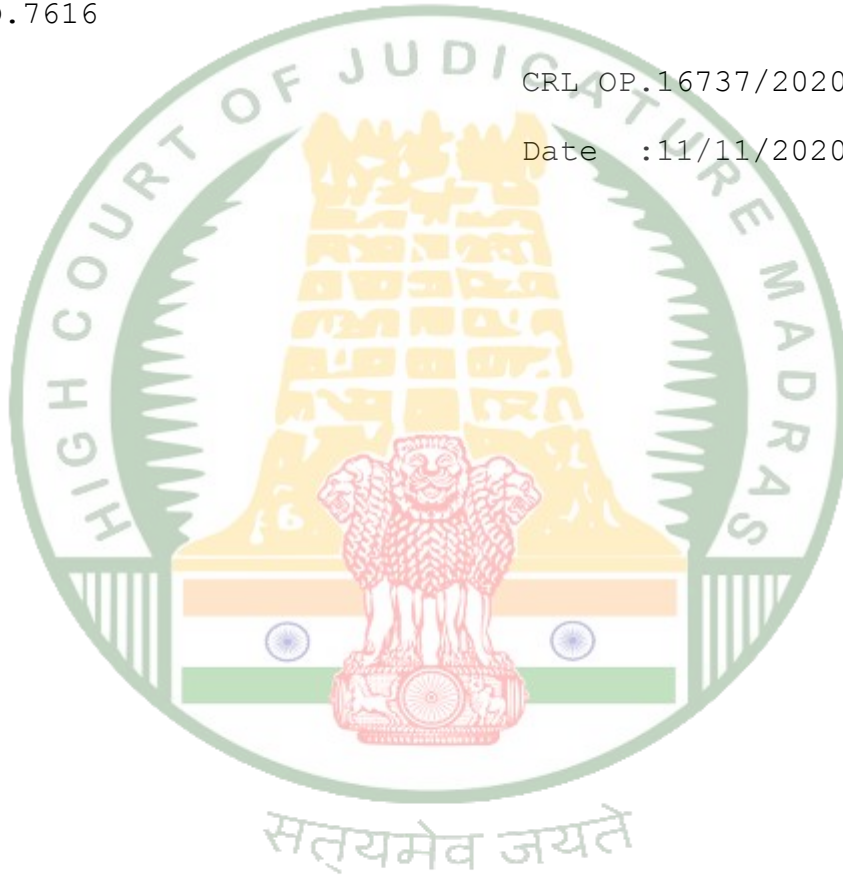
4 THE INSPECTOR OF POLICE,
W-21, ALL WOMEN POLICE STATION,
GUINDY, CHENNAI-600 032.

+1 CC to M/S.M.THANGADURAI Advocate on payment of necessary
charges SR.NO.7616

CRL OP.16737/2020

Date :11/11/2020

TA-20/11/2020



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