



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 16988 of 2020

1.S.Prasath

2.Rifai Shafeeeka

... Petitioners/Accused 1 & 2

Vs.

The State represented by,
The Inspector of Police,
F-4 Thousand light Police Station,
Chennai.

[Crime No. 316 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 316 of 2020, on the file of the respondent police.

For Petitioner : Mr.A.B.Ashok

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 offences punishable under Sections 147, 148, 448, 452, 324, 427, 294(b), 392, 506(2), 120B of IPC, in Crime No. 316 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Guputhin, is that he is the Manager of the Argin Super Market and that there was a tenancy dispute between the owner of the defacto complainant and the petitioners. Further allegation is that in order to vacate the super market, the petitioner had engaged hirelings, ransacked the shop and caused damages to Rs.40,00,000/- worth of goods. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the first petitioner is known to the second petitioner and the second petitioner is the owner of the premises and that there was a tenancy dispute between the second petitioner and the owner of the defacto complainant and in order to vacate the premises, a false complaint has been given against the petitioners. He would submit that the arrested accused in this case have been enlarged on bail by the learned XIV Metropolitan Magistrate, Egmore, in CrI.M.P.No.dated 16.10.2020 and that at the time of hearing of the bail, it was stated by the respondent that the value of the damage was only Rs.1,00,000/- and thereby, the lower Court had directed the arrested accused to deposit a sum of Rs.6,000/- each to the credit of Crime.No.316 of 2020. He would submit that the petitioners are also prepared to abide by an stringent condition that may be imposed on them. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to tenancy dispute, the second petitioner, who is the owner of the premises engaged hirelings and had ransacked the shop and caused damage to the tune of Rs.40,00,000/-. He would submit that the arrested accused have been enlarged on bail. However, he opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Taking into consideration of the facts and circumstances of the case, considering the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7.Accordingly, each petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.316 of 2020, and on such deposit, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned XIV Metropolitan Magistrate Court, Egmore, on condition that each 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 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 petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders.

WEB COPY [c] The final order in respect of the said deposit shall be passed by the concerned Magistrate at the time of conclusion of trial.

[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.

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

-sd/-
18/11/2020

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 COURT NO.XIV,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-4, THOUSAND LIGHT POLICE STATION,
CHENNAI.

CC to M/S.A.B.ASHOK Advocate on payment of necessary
charges

CRL OP.16988/2020

Date :18/11/2020

MK:30/11/2020