

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1017 of 2021

S.Saranya

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
J-8 Neelangarai Police Station,
Kancheepuram District.
(Crime No.21 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.21 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Naresh Babu

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed as A1. He has been charged with for the offence punishable under Sections 147, 148, 448 and 380 of I.P.C. in Crime No.21 of 2021 and now, she has filed this petition seeking for anticipatory bail.

2. The petitioner is the owner of a property. The case of prosecution is that the petitioner/landlord has trespassed the house of defacto complainant and also stolen some property. It is stated that the petitioner has given a complaint against the defacto complainant on 13.01.2021, thereafter, the defacto complainant has given the present complaint on the same day. Without conducting any enquiry, the respondent police has filed F.I.R. against the petitioner on 16.01.2021. This is a case in counter. Now, apprehending arrest, the present petition has been filed by the petitioner seeking anticipatory bail.

3. The learned counsel appearing for the petitioner submitted that the dispute arose between the landlord and tenant. He would submit that when the petitioner has asked the defacto complainant to vacate premises, she has refused, and there was a wordy quarrel, in which, the defacto complainant has pushed the petitioner to down. He would submit that both of them have made their complaints separately, but without conducting any enquiry, the respondent police has registered the F.I.R. against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the dispute between landlord and tenant and now the defacto complainant has vacated the premises. He would submit that there is no previous case against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. I have heard the rival submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the dispute between the landlord and tenant, the occurrence taken place in a wordy quarrel between them and there is no previous case pending against the petitioner, 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 her appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate No.II, Alandur, 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:

[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;

[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.

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

-sd/-
27/01/2021

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.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-8, NEELANGARAI POLICE STATION.
KANCHEEPURAM DISTRICT.

+1 CC to M/S.M.NARESH BABU Advocate on payment of necessary charges SR.NO.950

CRL OP.1017/2021

Date :27/01/2021

cs 05/02/2021