

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2021**

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1997 of 2021

1. [Abbas@Jaffer](#) Abbas
S/o Rasool Mohideen.

2. [Ali@Syed](#) Ali
S/oAbbas

3. P. Sulthan,
C/o Pakkir Moideen

..... Petitioners

Vs.

The state represented by
The Inspector of Police,
J-1, Saidapet Police Station
Chennai District.

(Crime No.47 of 2021).Respondent

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to
enlarge the petitioner on bail in the event of his arrest pending
investigation in crime No.47 of 2021 on the file of the respondent police.

For Petitioners : Mr.P. Vijendran

For Respondent : Mr.S. Karthikeyan

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324 and 506(i) of I.P.C, in Crime No.47 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are 3 accused in this case. The case of the prosecution is that the petitioners and the defacto complainant are landlord and tenant respectively and when the petitioners instructed the defacto complainant to vacate the house, there was a wordy quarrel between them. Hence the complaint.

3. Heard both sides.

4. On a perusal of records it is seen that the petitioners have also filed a complaint against the defacto complainant in Crime No.48 of 2021 on the file of the respondent police and as a counter blast, the present complaint has been lodged against the petitioners

5. Considering the facts and circumstances of the case and also of the fact that only due to the dispute between the landlord and tenant the occurrence has taken place, this Court is inclined to grant anticipatory bail to the petitioners with some conditions.

6. Accordingly, the petitioners are ordered to be released on bail in their event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the 9th Metropolitan Magistrate, Saidapet on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 as and when required for interrogation.

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

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions this Criminal Original petition is ordered.

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Internet: Yes/No

smn

V.BHARATHIDASAN .,J.

smn

To

1. The 9th Metropolitan Magistrate, Saidapet.

2. The Inspector of Police,

J-1, Saidapet Police Station
Chennai District.

3.The Public Prosecutor,
High Court, Madras.



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