

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2350 of 2021

1. Sivakumar
2. Tamil Selvi
3. Arun Kumar
4. Praveen
5. Nagaraj

... Petitioners

Vs.

State rep. by
Inspector of Police
R3-Ashok Nagar Police Station,
Chennai - 600 083
Crime No.788 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.788 of 2020 on the file of the respondent police.

For Petitioners : Mr.C. Sathish

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Sections 324, 448, 379 and 506(ii) of Indian Penal Code 1860, in Crime No.788 of 2020, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are five accused in this case. The case of the prosecution is that the defacto complainant, who is a tenant under the petitioners' premises was default in paying the rent. Due to which the petitioners trespassed into the defacto complainant's house and stolen gold jewels and school certificate of defacto complainant's children. Hence the crime came to be registered.

3. The learned counsel for the petitioners would submit that the defacto complainant who is a tenant under the petitioners' premises was default in paying the rent hence, the petitioners instructed her to vacate the house, thereby, a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned additional public prosecutor would submit that the petitioners trespassed into the defacto complainant's house and stolen gold jewels and school certificates of defacto complainant's children. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

5. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVII Metropolitan Magistrate Court at 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
11/02/2021

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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-3 ASHOK NAGAR POLICE STATION,
CHENNAI.

+1 CC to M/S.C.SATHISH Advocate on payment of necessary charges
SR.NO.1419

सत्यमेव जयते

CRL OP.2350/2021

Date :11/02/2021

cs 19/02/2021

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