

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5655 of 2021

S.MANICKARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE (CRIME),
S 10 PALLIKARANAI POLICE STATION,
116, VELACHERY MAIN ROAD,
PALLIKARANAI, CHENNAI-600 100.
CR.NO.UNKNOWN.

For Petitioner : M/S.S.JOHN J.RAJA SINGH Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 378, 120B, 420 and 423 of IPC, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant has entered into a lease agreement for five years with the original owner and invested a huge amount of Rs.80,00,000/- for renovation and decoration of the hotel. The petitioner entered into the defacto complainant's Restaurant and stolen masala products and other accessories to the tune of Rs.5,00,000/-. This occurrence happened on 27.10.2020. Immediately thereafter, the defacto complainant lodged a complaint under Section 163 of Cr.P.C. before the learned Judicial Magistrate - II, Alandur. As per the direction of the Trial Court, the present case has been registered against the petitioner.

3. The learned senior counsel for the petitioner submits that there is a dealership agreement between the petitioner and the defacto complainant. The dealership agreement was not complied with. Hence, the same was questioned by the petitioner, which has resulted in a false case being registered. Hence, he prayed for anticipatory bail.

4. The learned Public Prosecutor submitted that based on the direction issued by the Trial Court, the case was registered against the petitioner. He did not dispute the fact that the occurrence had happened on 27.10.2020.

5. Considering the above said facts and circumstances, It is not in dispute that there is a dealership agreement between the defacto complainant and the petitioner and as a result of the said dispute, there are certain disputes between the petitioner and the defacto complainant. this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Alandur, on condition that the petitioner shall execute a 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 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 Court concerned 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 daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/04/2021

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
CHENGALPET.(FOR INFORMATION)
- 3.THE INSPECTOR OF POLICE (CRIME),
S 10 PALLIKARANAI POLICE STATION,
116, VELACHERY MAIN ROAD,
PALLIKARANAI, CHENNAI-600 100.
- 4.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.JOHN J. RAJA SINGH Advocate on payment of necessary charges

CRL OP.5655/2021

सत्यमेव जयते Date :09/04/2021

TK/27.04.2021

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