

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.5343 of 2021
& CRL.MP.No.6969 of 2021

S.H.NIZAMUDDIN [PETITIONER / ACCUSED]

Vs

STATE BY [RESPONDENT]

SUB-INSPECTOR OF POLICE,
F-5, CHOLLAIMEDU POLICE STATION,
CHENNAI.
CR.NO.3 OF 2021

For Petitioner : M/S.K.R.RAMESH KUMAR Advocate

For Respondent : M/S.M.PRABHAVATHI, Additional Public Prosecutor

For Intervener : M/S. R.GANESH KUMAR Advocate [IN CRL.MP.NO.3969/2021]

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 436 r/w 120-B of IPC in Cr.No.03 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a tenant under A1 and there was some tenancy dispute between them due to which A1 had instructed the petitioners and other accused to set fire to the shop and six persons had set fire to the shop, including the petitioner, which is evidenced by CCTV Footage. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner submit that the petitioner is known to A2 and there was some tenancy dispute between the defacto complainant and A1 and that the petitioner has been falsely implicated in this case and they are in no way connected with the offence and he has been been falsely implicated in this case. Therefore, he prays of grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the bail application by stating that the petitioner and other accused set fire in the shop and the involvement of the petitioners herein is evidenced by CCTV Footage. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that the occurrence had taken place due to a tenancy dispute and also the fact that even according to the prosecution the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai 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.

With the above directions this Criminal Original petition is ordered and consequently connected miscellaneous petition is closed.

-sd/-
15/04/2021

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 METROPOLITAN MAGISTRATE
NO.XVII, SAIDAPET, CHENNAI.

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

3 THE SUB-INSPECTOR OF POLICE,
F-5, CHOLLAIMEDU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.R.RAMESH KUMAR Advocate on payment of necessary charges SR.No.4715

सत्यमेव जयते

CRL OP.5343/2021
& CRL.MP.6969/2021

Date :15/04/2021

cs 21/04/2021

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