

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.5835 of 2021

MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI. (CR.NO.108/2020)

For Petitioner : M/S.K.THENRAJAN Advocate

For Respondent : M/S P.KARITIKA KAMAL, Govt. Advocate (Crl. Side)

For Intervenor : M/S P.SIDHARTHAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 457, 427 and 380 of IPC in Crime No.108 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that, the defacto complainant is the tenant under the petitioner. The defacto complainant is default in paying rent to the petitioner. Therefore, it is alleged that the petitioner has broke open the defacto complainant's shop and had stolen the articles in the shop worth about Rs.7,50,000/-. Hence, the complaint.

4. The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He is the landlord of the shop and the defacto complainant is the tenant and running the shop. He is default in paying the rent. When the same was questioned by the petitioner, a false case has been foisted against the petitioner. Hence, he seeks for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6.The learned Government Advocate (Criminal Side) appearing for the State would submit that investigation is pending. Hence, she opposed for grant of anticipatory bail to the petitioner.

7.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned XXII Metropolitan Magistrate, Egmore, Chennai, within a period of 15 days from the date of receipt of a copy of this order, on his executing 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 and on further condition that:

[a] 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 for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-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 XXII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.THENRAJAN Advocate on payment of necessary charges
Sr.4789

CC to M/S.P.SIDHARTHAN Advocate on payment of necessary charges
Sr.4771

सत्यमेव जयते CRL OP.5835/2021

Date :15/04/2021

RVR 21/04/2021

WEB COPY