

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7596 of 2021

1 E.AJITHA PARAMESHWARAN [PETITIONERS / ACCUSED]
2 S.ESSAKIMUTHU

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
B-1, POLICE STATION, NORTH BEACH ROAD,
RAJAJI SALAI, CHENNAI-600 001.
(CR.NO.92/2021)

For Petitioner : M/S.G.MOHANA KRISHNAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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 punishable under Section 294(b), 427 and 506(ii) of IPC in Crime No.92 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are tenant under the defacto complainant. There is a dispute between them and therefore, the defacto complainant had asked the petitioners to vacate the premises. It is alleged that due to this, the petitioners have damaged their property. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that it is purely a landlord and tenant dispute and already suits were filed by both the petitioners and defacto complainant and the same are pending.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is purely a civil dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are 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 VII Metropolitan Magistrate, George Town, Chennai, on condition that each of the petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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]**; and;

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

-sd/-

28/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE METROPOLITAN MAGISTRATE,
NO.VII, GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

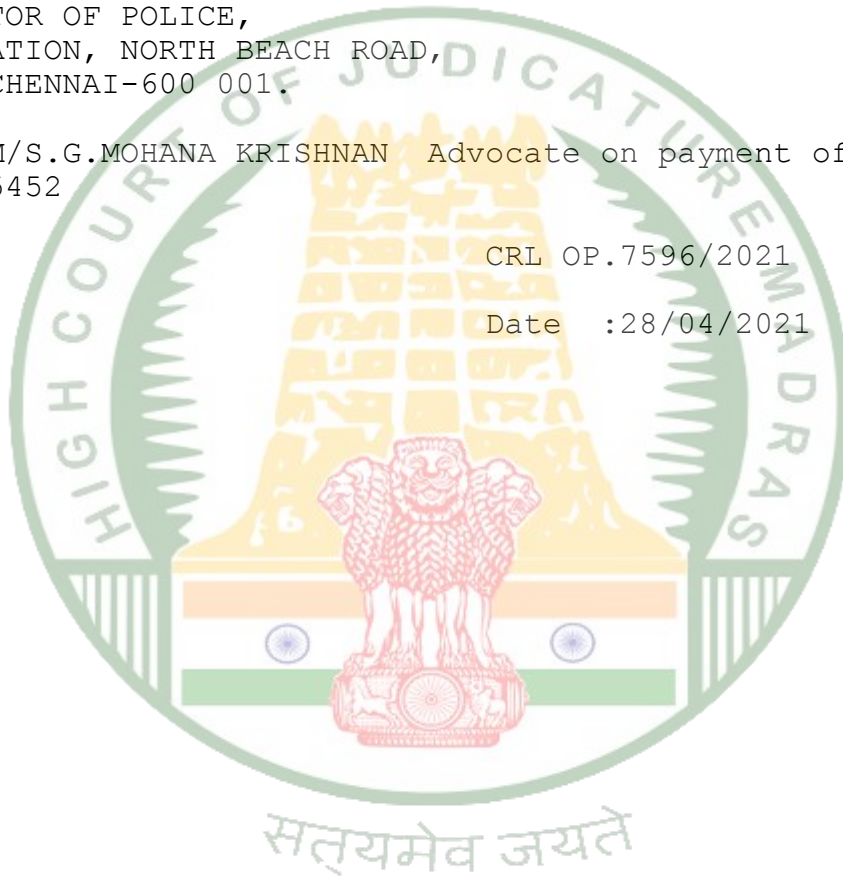
4 THE INSPECTOR OF POLICE,
B-1, POLICE STATION, NORTH BEACH ROAD,
RAJAJI SALAI, CHENNAI-600 001.

+1 CC to M/S.G.MOHANA KRISHNAN Advocate on payment of necessary
charges SR.NO.5452

CRL OP.7596/2021

Date :28/04/2021

TA-17/05/2021



WEB COPY