



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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Monday, the Twenty Third day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12143 of 2021

IN CRL.MP.NO.7139 of 2021

MASILA@MASILAMANI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
S-4 NANDAMBAKKAM POLICE STATION,
NANDAMBAKKAM, CHENNAI - 600 089.
(CRIME NO.165/2021)

GOPINATH

[PETITIONER/3rd PARTY/DEFACTO COMPLAINANT
Ordered as per order of this Court dated
23.08.2021 made in CRL.MP.NO.7139 of 2021]

For Petitioner : M/S. S.ILAVARASAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : MR.K.G.SENTHILKUMAR, Advocate

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 294(b), 323, 506(ii) and 427 IPC in Cr.No.165 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a tenancy dispute in between the petitioner and the defacto complainant. Due to which, the petitioner and Al tried to attack the defacto complainant and abused him in filthy language and further damaged his two wheeler, who is the landlord of the house.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in



this case. Hence prays for grant of anticipatory bail. He further submitted that subsequently the petitioner has vacated the premises and handed over the key to the defacto complainant.

4. The learned counsel appearing for the intervenor did not dispute the submission made by the learned counsel appearing for the petitioner.

5. The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases against the petitioner.

6. Considering the facts that the premises has been vacated by the petitioner and he handed over the key to the defacto complainant, this court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 Judicial Magistrate, Alandur, Chennai, on condition that 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police, as and when required.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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*



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

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-sd/-
23/08/2021

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,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S-4 NANDAMBAKKAM POLICE STATION,
NANDAMBAKKAM, CHENNAI - 600 089.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.ILAVARASAN Advocate on payment of necessary charges

CRL OP.12143/2021

IN CRL.MP.NO.7139/2021

Date :23/08/2021

CSK 03/09/2021