

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No. 14912 of 2020

1.Senthilraja
2.N.K.Rajendran

... Petitioners/Accused 1 and 2

-Vs-

The State
Represented by its,
The Inspector of Police,
Hudco Police Station, Hosur,
Krishnagiri District.
Crime No.1178/2020

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure to enlarge the petitioners on bail in the event of their arrest in connection with the Crime No. 1178 of 2020 pending on the file of the respondent police.

For Petitioners :Mr.R.Nalliyappan

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(B), 323, 354, 427, 458, 381 and 506 (ii) IPC, in Crime No. 1178 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The petitioners/A1 and A2 are the Directors of Run Gas Bio Energy Solution Private Limited Company along with the defacto complainant. The defacto complainant is also running S.K and Co separately and without the consent and knowledge of the petitioners/A1 and A2, removed all the machineries belonging to the Hosur Municipality and taken away the articles. Hence, the complaint has been registered. Seeking anticipatory bail, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that the machineries belong to the Hosur Municipality and further submits that they were not employed under the defacto complainant. Due to some money dispute, complaint has been given by the defacto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the properties belonging to the Hosur Municipality and the defacto complainant has taken the property on lease and running the unit.

5.Considering the facts and circumstances of the case, this Court directed the petitioners to hand over of the machineries to the Hosur Municipality and adjourned the matter today for further hearing.

6. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners submitted that pursuant to the orders passed by this Court, most of the machineries have been handed over to the Hosur Municipality.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

[a] 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 Judicial Magistrate I, Hosur, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties 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;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners 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 are 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)ATR SCW 5560] ;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

22/03/2021

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.

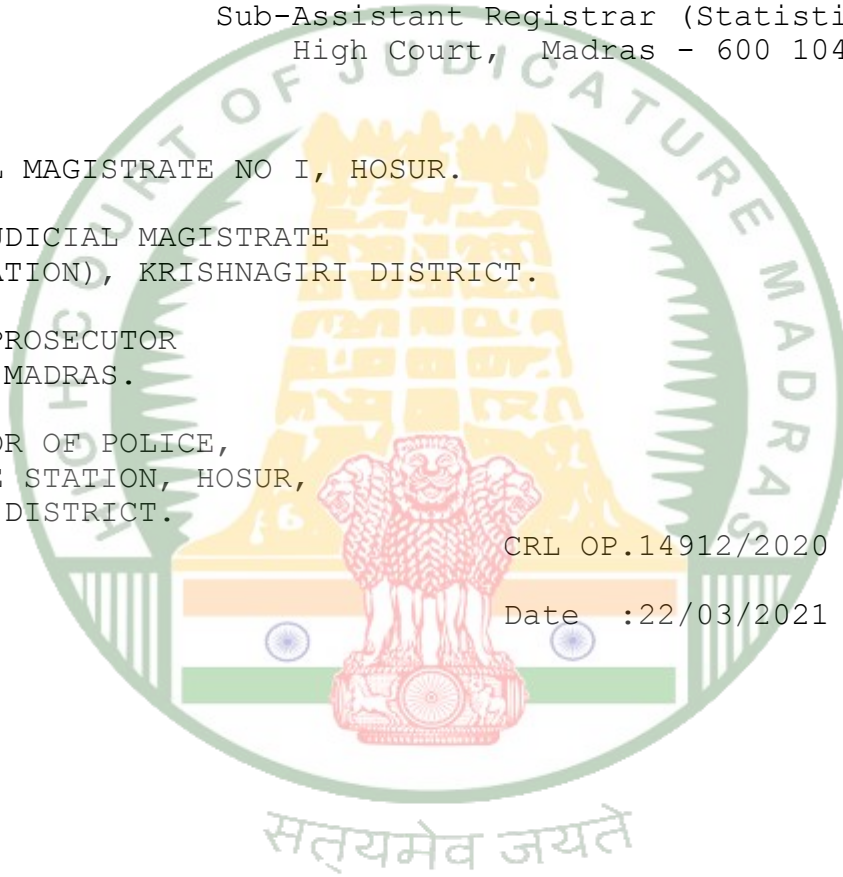
TO

1. THE JUDICIAL MAGISTRATE NO I, HOSUR.
2. THE CHIEF JUDICIAL MAGISTRATE
(FOR INFORMATION), KRISHNAGIRI DISTRICT.
3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE,
HUDCO POLICE STATION, HOSUR,
KRISHNAGIRI DISTRICT.

CRL OP.14912/2020

Date : 22/03/2021

TK/16.04.2021



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