



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15853 of 2021

1 M.RAJPRADHEEP
2 M.SANDEEP KUMAR
3 E.S.JAWAHAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
NORTH BEACH POLICE STATION,
FLOWER BAZAAR DISTRICT, CHENNAI.

[RESPONDENT]

For Petitioner : M/S. AL.GANTHIMATHI Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence punishable under Sections 427 and 379 of IPC in Crime No.1253 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first and second petitioners are the sons of A1/P.Selva Mahesh Raja @ P.J.Mahesh Raja and the third petitioner is the Manager of A1. The disputed property (building) belongs to Administrator General and Official Trustee of Tamil Nadu and the same was situated at No.19, Adam Street, Chennai to an extent of 2102 sq.ft. Initially in the year 1987, the lease period was granted in favour of the first and second petitioners' father and their father had constructed a building on his own and the same was used as a mansion and also had put up his own furniture and fittings in the said building and the lease was periodically extended and finally in the year 2018 and the rent was fixed at Rs.13,500/- per month by increasing 15% per annum. Aggrieved by the said fixation of fair rent, the first and second petitioners father filed an application for fixation of fair rent before this court and the same was dismissed by the Division Bench of this court. Aggrieved against the said dismissal order, the first and second petitioners' father has



preferred Special Leave Petition before the Hon'ble Supreme Court and the same was also dismissed. Subsequently, the aforesaid property was surrendered by their father to Administrator General and Official Trustee of Tamil Nadu on 05.08.2021 and thereafter, the Administrator General and Official Trustee of Tamil Nadu came to know that the said building was damaged to the tune of Rs.35,00,000/- . Hence, the complaint.

3. Mr.A.R.L.Sunderasan, the learned Senior counsel for the petitioners submits that infact the original vacant site was leased out in favour of first and second petitioners father and the super structure was constructed by their father and the same was removed by him. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the property has been recovered from the first and second petitioners father and there were no dues from their father.

5.Considering the fact that the property has been recovered and no dues from the first and second petitioners' father , 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 separate bonds 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/-

01/09/2021

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 VII METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
NORTH BEACH POLICE STATION,
FLOWER BAZAAR DISTRICT, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. AL.GANTHIMATHI Advocate on payment of necessary charges SR.No.9381

CRL OP.15853/2021

Date :01/09/2021

APN 21/09/2021