



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.15854 of 2021

P.SELVA MAHESH RAJA @ P.J.MAHESH RAJA, [PETITIONER / ACCUSED]

Vs

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

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 petitioner, 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 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 petitioner/A1 and he 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 petitioner filed an application for fixation of fair rent before this court and the same was dismissed by Division Bench of this court. Aggrieved against the said dismissal order, the petitioner has preferred Special Leave Petition before the Hon'ble Supreme Court and the same was also dismissed. Subsequently, the aforesaid property was surrendered by A1/petitioner 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 petitioner submits that infact the original vacant site was leased out in favour of petitioner and the super structure was constructed by the petitioner and the same was removed by him. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the property has been recovered from the petitioner and there were no dues from the petitioner.

5.Considering the fact that the property has been recovered and no dues from the petitioner, this court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest, or on his 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 the petitioner 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 petitioner 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 petitioner 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.

1.the petitioner shall not tamper with evidence or witness either during investigation or trial;

2.
(d) the petitioner 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 petitioner 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 THE VII METROPOLITAN
MAGISTRATE, GEORGE TOWN, CHENNAI

2 THE 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.9380

CRL OP.15854/2021

Date :01/09/2021

APN 21/09/2021