



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17751 of 2021

1 ARUNKUMAR [PETITIONERS / ACCUSED]
2 ILAYAPRIYAN
3 SATHISH KUMAR

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI.
(CRIME NO.572 OF 2021)

For Petitioner : M/S. A.ELUMALAI Advocate

For Respondent : MR.C.E.PRATAP, 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 for the alleged offence under Sections 170, 294(b), 323, 342, 365, 419, 420, 506(1) of IPC in Cr.No.572 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to rental dispute, the petitioners along with other accused persons entered into the hotel premises of the de-facto complainant and damaged the properties and threatened the de-facto complainant with dire consequences. Thereafter, the petitioners along with other accused person disguised as police officer and kidnapped the de-facto complainant and attacked him and made the de-facto complainant to sign in various blank papers and other documents. Hence, the Law Enforcing Agency registered a case against the petitioners and other accused persons based on the complaint lodged by the de-facto complainant.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the de-facto complainant has not paid the rent and due to which he has lodged this false complaint against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl side) submits that petitioners along with one accused person who disguised as police officer, kidnapped the de-facto complainant and abused him in filthy language and attacked him severely. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that the Co-operative Society has already taken steps and sent notice for terminating the rental agreement, 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 X Metropolitan Magistrate at Egmore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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.

WEB COPY

-sd/-
02/11/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE.

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

3 THE INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. A.ELUMALAI Advocate on payment of necessary
charges SR.NO.12534

CRL OP.17751/2021

Date :02/11/2021

CSK 17/11/2021