



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19898 of 2021

1 E.C.ROMEO CHRISTY
(*) 2 R.USHA ANGELINA

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NANDHAMPAKKAM POLICE STATION,
CHENNAI DISTRICT.
(CR.NO.208 OF 2021)

[RESPONDENT]

For Petitioner : M/S. P.CHANDRASEKAR Advocate
DATED:26/10/2021

: M/S.M.IDHAYA MARY, Advocate
[CRL.MP.NO.3704/2022 IN CRL.OP.NO.19898/2021]

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)
DATED:26/10/2021

: MR.S.UDAYAKUMAR, Govt. Advocate (Crl. Side)
DATED:23/03/2022
[CRL.MP.NO.3704/2022 IN CRL.OP.NO.19898/2021]

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 352, 380, 427, 420, 506(i) of I.P.C. in Cr.No.208 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have been occupying the house belonging to the defacto complainant without paying any rent or electricity charges.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel would further submit that the petitioners have filed R.C.O.P.No.77 of 2021 before the District Munsif Cum Judicial Magistrate, Sriperumbudur and the same is pending.



4.The learned Government Advocate would submit that investigation reveals that the amount due to the defacto complainant is Rs.2,13,000/-.

WEB COPY

5.At this juncture, the learned counsel appearing for the petitioners, on instructions, submitted that the petitioners, without prejudice to their rights, are ready to deposit the alleged amount of Rs.2,13,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an appropriate affidavit of undertaking shall be obtained from the defacto complainant.

6.Considering the fact that the petitioners are ready to deposit the alleged amount of Rs.2,13,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Judicial Magistrate I, Alandur, 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 shall deposit a sum of Rs.2,13,000/- (Rupees Two Lakhs and Thirteen Thousand Only) to the credit of Cr.No.208 of 2021 before the learned Judicial Magistrate I, Alandur. On such deposit being made, the learned Judicial Magistrate I, Alandur, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.2,13,000/- deposited by the petitioners will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)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;

(c)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;

(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 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;

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

-sd/-

26/10/2021

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.

(*) Amended as per order of this Court dated 23/03/2022 made in CRL.MP.NO.3704/2022 IN CRL.OP.NO.19898/2021.

TO

1 THE JUDICIAL MAGISTRATE-I,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NANDHAMPAKKAM POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.19898/2021

Date :26/10/2021

CSK 28/10/2021