

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.20940 of 2020

1.Sabari Giri Nathan
2.Vasanth David. T.
3.Dhanasekar

.. Petitioners

vs.

State Represented by
Inspector of Police,
J-5, Sastri Nagar Police,
Chennai.
(Crime No.1483/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1483 of 2020 on the file of the Inspector of Police, J-5, Sastri Nagar Police Station, Chennai, pending investigation.

For Petitioners : Mr.V.Gopinath, Senior Counsel

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 452, 294(b) and 506(ii) IPC r/w. Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act 1992 in Crime No.1483 of 2020, seek anticipatory bail.

2. The case of the prosecution is that totally there are eight accused involved in this case and the petitioners herein are ranked as A1 to A3. The first petitioner, the defacto complainant and one Balamurugan were partners and running a car showroom in the name and style of Car Studio. At that time, the first petitioner is said to have obtained a loan to an extent of Rs.1 crore from the defacto complainant and Rs.50 lakh from the said Balamurugan. When the defacto complainant asked to return of the loan amount, the petitioner refused to pay and the petitioners engaged henchmen ranked as A4 to A8 entered, who entered into the car showroom and damaged the imported cars worth about Rs.5 lakhs. Hence, the present

3.The learned senior counsel for the petitioners would submit that the allegation is that the petitioners instigated A4 to A8, who attacked the defacto complainant and caused damage to the property. He would further submit that the petitioners are no way connected to the alleged offence. He would further submit that the co-accused A4 to A8 were already arrested and released on bail and he seeks anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioners along with the other accused attacked the defacto complainant and caused damaged to the car show room worth about Rs.5 lakhs. That apart, pending bail application, the petitioners once again threatened the defacto complainant to withdraw the petition. He would further submit that the co-accused A4 to A8 were already arrested and released on bail.

5. Taking into consideration the nature of offence and the 1st petitioner and the defacto complainant were partners in the business and due to business dispute, the occurrence was taken place and that the co-accused A4 to A8 were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on condition to make a deposit of Rs.5 lakhs/- (Rupees Five Lakhs only) to the credit of Crime No.1483 of 2020, on such deposit and production of proof, 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 on which the order copy is made ready, before the learned Metropolitan Magistrate No.IX, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- each (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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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] 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].

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

-sd/-

05/02/2021

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 IX METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
J-5 SASTRI NAGAR POLICE STATION,
CHENNAI.

CC to M/S.S.SURESH Advocate on payment of necessary charges
Sr.1273

WEB COPY

CRL OP.20940/2020

Date :05/02/2021

RVR 12/02/2021