



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22281 of 2021

1. Lakshmanan
2. Mrs. Sheely
3. Jagadeshwaran

... Petitioners

Versus

State by: Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam,
Chengalpet District
(Crime No.227 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest in the above Crime No.227 of 2021 on the file of the respondent police.

For Petitioner : M/s.A.P.Sathya Murthy

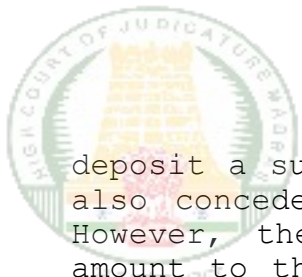
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 341, 384, 420, 448, 506(ii) r/w 34 IPC in Crime No.227 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Chartered Accountant by profession and let one house for rent to the 1st petitioner's family on a monthly rent of Rs.8000/-. It is alleged to have that the 1st petitioner has refused to vacate the house and stopped paying rent and insisted the defacto complainant to sell the house to him. Thereafter, the petitioners threatened the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioners without prejudice to their rights, are ready to



deposit a sum of Rs.1,50,000/- 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 affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.1,50,000/- will be returned to them.

4. The learned Government Advocate (Crl.Side) submits that the petitioners did not pay the rent properly and tried to grab the property of the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the submissions on either side and that the undertaking of the petitioners that they are ready to deposit an amount of Rs.1,50,000/- to the credit of the crime number, 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 *Judicial Magistrate-II, Alandur*, on condition that the petitioners shall execute separate 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 petitioners shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the credit of Cr.No.227 of 2021 before the *Judicial Magistrate-II, Alandur* within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the learned *Judicial Magistrate-II, 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.1,50,000/- deposited by the petitioners to the credit of Cr.No.227 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, the trial court 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 1st petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders and the 2nd and 3rd petitioners shall appear before the respondent police 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 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;

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

-sd/-
29/11/2021

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 JUDICIAL MAGISTRATE-II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S-4, NANDAMBAKKAM POLICE STATION,
NANDAMBAKKAM,
CHENGALPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. A.P. SATHYA MURTHY Advocate on payment of
necessary charges SR.NO.13770

CRL OP.22281/2021

Date :29/11/2021

CSK 08/12/2021