



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22945 of 2021

1.R.Ponnusamy
2.P.Manoj

... Petitioners

Versus

The State Rep. by
The Inspector of Police (L & O),
Sulur P.S.
Coimbatore District.
(Crime No.1033 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant the anticipatory bail to the petitioners in the event of their arrest in Crime No.1033 of 2021 on the file of the respondent police.

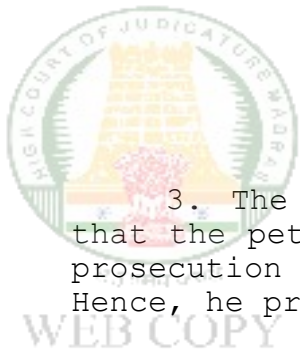
For Petitioners: Mr.R.Krishnamurthy

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

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 341, 448 and 506(ii) of IPC in Crime No.1033 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner is the landlord and the second petitioner is his son, professionally as graduate Engineer. The defacto complainant is a tenant and drastic charonic defaulter in paying the rent. The first petitioner was rented out a shed of his property to run a machine workshop. The advance was paid by the tenant as to Rs.6,00,000/- to the first petitioner. Further that the rent was fixed as to Rs.50,000/- per month. For the past twelve months, he has not come forward to pay the rent to the first petitioner the rental arrears alone would be as to Rs.12 Lakhs till date. Hence this case.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is dispute between the landlord and tenant with regard to the arrears of rent. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Sulur, Coimbatore District, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 as and when requires 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/-

01/12/2021

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,
SULUR, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (LAW AND ORDER),
SULUR POLICE STATION,
COIMBATORE DISTRICT .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.KRISHNAMURTHY Advocate on payment of necessary charges SR.NO.13870

CRL OP.22945/2021

Date :01/12/2021

RW 06/12/2021