



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23465 of 2021

1. S.Muthu
2. M.Srinivasan

... Petitioners

Vs.

State by
The Inspector of Police,
J-7, Velachery Police Station,
Velachery, Chennai.
(Crime No.999 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.999 of 2021 on the file of the The Inspector of Police, J-7, Velachery Police Station, Velachery, Chennai.

For Petitioners : Mr.K.Chandru

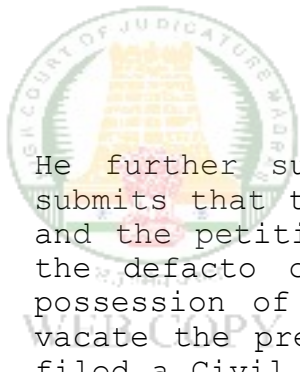
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 341, 323, 448, 427 and 506(2) of IPC in Cr.No.999 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a landlord-tenant dispute between the petitioners and the defacto complainant regarding eviction of Tea Stall from the petitioner's property, due to which, the petitioners assaulted the defacto complainant's brother and criminally intimidated them with knife. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case.



He further submits that there was a case in counter. He further submits that the defacto complainant was irregular in payment of rent and the petitioners were in need of the rented premises and informed the defacto complainant to vacate the premises and hand over the possession of the property, but, the defacto complainant refused to vacate the premises and demand money and thereafter, the petitioners filed a Civil Suit for Eviction in OS.No.7059 of 2021 on the file of the II Assistant Judge City Civil Court, Chennai against the defacto complainant and it is still pending. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that with regard to tenancy, there was a dispute between the parties, the present case has been filed. He further submits that there was a case in counter. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions made by both counsel and also considering the fact that there was a case in counter, 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 XVIII Judicial Magistrate Court, Saidapet, Chennai on condition that each of the petitioners shall execute separate bonds 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 1st petitioner being a Senior Citizen shall report before the respondent police as and required for interrogation and the 2nd petitioner shall report before the respondent police on every Wednesday at 10.30 a.m until further orders;

(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.

-sd/-
07/12/2021

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,
NO.XVIII, SAIDAPET, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI [FOR INFORMATION].

3 INSPECTOR OF POLICE
J-7, VELACHERRY POLICE STATION,
VELACHERRY, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.CHANDRU Advocate on payment of necessary charges
SR.NO.14275

CRL OP.23465/2021

Date :07/12/2021

JPA 16/12/2021