



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11658 of 2021

R.Navaneethakrishnan

... Petitioner/Accused No.5

Vs

The State rep.by
The Inspector of Police,
K.Pudur Police Station,
Madurai City
(Crime No. 93 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.ALAGUSUNDAR,
Advocate.

For Respondent : Mr.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.93 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468 and 471 of IPC in Crime No.93 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, one Vivek entered into a rental agreement with one Rajdeepak in respect of the building situated at Alagarkoil Main Road, Plot No.5, Ward No.8, K.Pudur, Madurai, for running a business of restaurant in the name of Deepak restaurant. The de-facto complainant had received a sum of Rs.5,00,000/- as advance and fixed a sum of Rs.50,000/- as rent per month on 15.09.2017. After that, the said Rajdeepak had paid the rent to the de-facto complainant regularly. Thereafter, the said Deepak went to abroad (Norway) for his employment purpose. Thereafter, one Sowdi who is none other than the father of the said Deepak had managed the above said property



and sublet the said property to the petitioner and other persons. Further, the said Sowdi demanded a sum of Rs.80 lakhs from the de-facto complainant to vacate the said building. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner had made an rental agreement with the above said Sowdi Ambalam on 03.08.2018 for the above said property to an extent of 300 sq.ft alone. He further submitted that the petitioner had paid a sum of Rs.6,50,000/- as advance and he paid a sum of Rs.15,000/- as monthly rent regularly to the said Sowdi Ambalam. The said Sowdi Ambalam had represented as son, who is the owner of the property, he is residing at Norway and hence, he could not manage the property instead of his son, the Sowdi Ambalam had made a rental agreement with the petitioner. He further submitted that the petitioner had invested a huge money to run his business in the name of M/s.Varsini Foot Wear Sale Center in the above said premises and he came to know the above said Vivek had made a complaint against the petitioner, Rajdeepak, Sowdi Ambalam and others. Based on that complaint, the case has been registered. He further submitted the petitioner is a *bonafide* tenant in the above said building and he had paid a sum of Rs.6,50,000/- as advance to the above said Sowdi Ambalam. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent opposed for grant of anticipatory bail on the ground that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and also considering the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner and this criminal original petition is allowed.

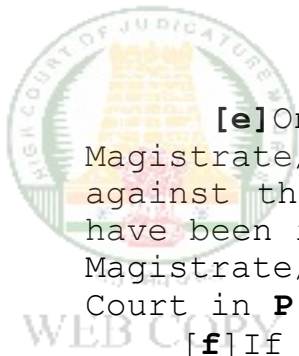
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

sd/-

25/08/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.VI
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
K. PUDUR POLICE STATION,
MADURAI CITY
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP(MD) No.11658 of 2021

Date : 25/08/2021

SA/PN/SAR.2/02.09.2021/3P/5C