



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.183 of 2022

1.R.Kadhirvel
2.S.Madhiyagan
3.Suresh

... Petitioners

Versus

The Inspector of Police,
Velampalayam Police Station,
Thiruppur City.
(Crime No.1792 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest by the respondent police in connection with the Crime No.1792 of 2021 on the file of the Inspector of Police, Velampalayam Police Station, Thiruppur.

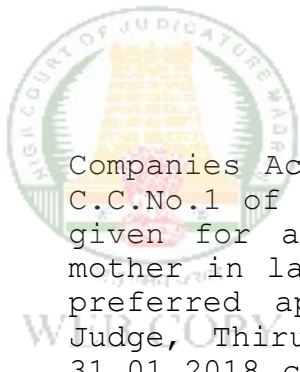
For Petitioners: Mr.S.Sai Shankar

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 454, 457, 380, 427 of IPC in Crime No.1792 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the complainant's son in law Raghu was employed in petitioner's company as electrician in the year 1996 and petitioner's company provided him accommodation by allotting a house in No.1, Suriya Nagar, Near Nesavalur Colony, Thirumurugan Poondi Post, Thiruppur District and also provided him a two wheeler. In the year 2009 the said Raghu was terminated from service for serious misconduct. Even after termination he did not vacate the premises allotted to him and also did not hand over the two wheeler. Hence the management was constrained to initiate legal proceedings against the terminated employee under Section 630 of



Companies Act before the 1st Judicial Magistrate Court, Thiruppur in C.C.No.1 of 2016, which was disposed on 14.12.2016 that the house was given for accommodation for the terminated employee alone and his mother in law is not residing in the property. Further the employee preferred appeal before the 1st Additional District and Sessions Judge, Thiruppur in C.A.No.6 of 2017, which was also dismissed on 31.01.2018 confirming the order of the 1st Judicial Magistrate Court, Thiruppur. Hence the 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 on perusal of the papers it reveals that already there was dispute pending between the defacto complainant's son in law and the petitioner in C.C.No.1 of 2016. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, it reveals that there is already dispute pending between the parties and they are the higher officials, if he released on bail he is absconding, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thiruppur, 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 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/-

06/01/2022

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,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VELAMPALAYAM POLICE STATION,
THIRUPPUR CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to MR.S.SAI SHANKAR Advocate on payment of necessary charges

CRL OP.183/2022

Date :06/01/2022

RW 12/01/2022