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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Crl.O.P.No.791 of 2022

Uma Magesh .. Petitioner

Vs.

State represented by
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai District.
Crime No.Not Known of 2021 ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.Not Known of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Kaviyarasu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervener : Mr.Sanson

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 420 IPC in Crime Number Not. Known of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a Assistant Director in the Film Industry is the tenant of the property for the past 10 years and One Baskar is the owner of the property. It is alleged that on 10.12.2020, the said Baskar told the petitioner to vacate the premises, but the petitioner refused to do so. Meanwhile,

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the petitioner had allegedly entered into lease agreement with the defacto complainant as if he is the owner of the said property and received Rs.3,00,000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to vacate the house within a period of six months. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner received Rs.3,00,000/- as advance from the defacto complainant and entered into lease agreement with him as if he is the owner of the property. However, he opposed for grant of anticipatory bail to the petitioner.

5. As per the order of this Court, petitioner and defacto complainant and the Owner Baskar appeared through Video Conferencing today. But at the time of argument, the petitioner submits that he did not received any amount from the defacto complainant. The petitioner further seeks time 6 months time for vacating the premises.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner and the defacto complainant and also the owner of the property should go for Mediation and Conciliation Centre at chennai for five sittings for the purpose of solving the issue between the parties amicably and further petitioner should vacate the premises within a period of six months.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned XXII Metropolitan Magistrate at Egmore 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 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 petitioner 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 petitioner shall report before the respondent police on every Wednesday at 10.30.a.m., until further orders;

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[c] the petitioner shall not tamper with 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 has been imposed and the petitioner is 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/-
27/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XXII, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
F-5 CHOOLAIMEDU POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
CHENNAI.

CC to M/S.K.KAVIYARASU Advocate on payment of necessary charges

CRL OP.791/2022

Date :27/01/2022

RW 07/02/2022

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