



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3203 of 2022

1 MITRA SRIKANTH
2 P. VIJAYAGOPAL

[PETITIONERS / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CMBT POLICE STATION,
CHENNAI DISTRICT.
(CRIME NO. 21 OF 2022)

[RESPONDENT]

For Petitioner : M/S. A.THİYAGARAJAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

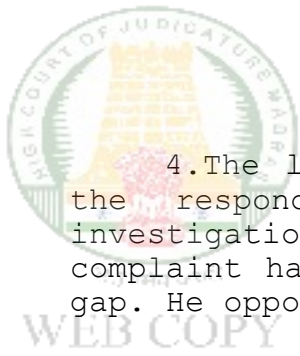
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 448, 379, 427 and 323 of I.P.C., in Crime No.21 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that petitioner and the defacto complainant are having dispute over the Tenency, on 01.02.2021, the petitioners along with 30 to 40 members entered into the hotel and damaged CCTV cameras, DVR accounts, computer and MD room and stolen away Rs.10 lakhs, further they attacked the employees of the Hotel. On knowing the said incident, the defacto complainant came to the Hotel, wherein the petitioners and others snatched her car key. Hence, the present case has been registered by the Law Enforcing Agency for the above said crime.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there was a landlord and tenant dispute. Hence, the defacto complainant lodged the present complaint after one year from the date of occurrence. Accordingly, he prays for allowing this petition and for granting anticipatory bail.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised an objection stating that the investigation is pending. However, he admits that the present complaint has been preferred by the defacto complainant after a long gap. He opposed for grant of anticipatory bail to the petitioners.

5. The submissions made by the learned Counsels appearing for either sides are considered.

6. The respondent police registered the case against the petitioners for the offences punishable under Sections 448, 379, 427 and 323 of I.P.C., It seems from the averments found in the First Information Report that the alleged occurrence had happened on 01.02.2021. Subsequently, only in the month of January 2022, the defacto complainant has preferred the complaint. Otherwise, admittedly the petitioners being in-charge of Simsons Hotel, having dispute with the defacto complainant. In this regard, the Hon'ble Mr. Justice Paul Vasantha Kumar, retired Chief Justice was appointed as Arbitrator and later, the Arbitrator has passed an interim award on 07.02.2022, directing the management to pay a sum of Rs.7,50,000/- to the petitioners. In all, it shows that the petitioners and defacto complainant are having dispute over the tenancy. Therefore, in order to complete the investigation custodial interrogation may not be necessary in this case. Hence, taking note of all the above said aspects into consideration and having regard to the nature of offence, this court is inclined to grant anticipatory bail with certain conditions.

7. 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 V Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners and the sureties shall affix his 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 petitioners shall report before the respondent police daily at 10.00 a.m., for a period of 30 days;

(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/-

11/02/2022

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CMBT POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. A.THIYAGARAJAN Advocate on payment of necessary charges Sr.Nos.2281 & 2274

CRL OP.3203/2022

Date :11/02/2022

RVR 23/02/2022