



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8455 of 2022

SUNDAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE STATION HOUSE OFFICER,
DHANVANTRI NAGAR POLICE STATION,
PUDUCHERRY.
CRIME NO.51 OF 2022

[RESPONDENT]

For Petitioner : M/S.A.ASHWINKUMAR Advocate

For Respondent : MR.V.BALAMURUGANE, Public Prosecutor for Puducherry

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

ORDER : The Court Made the following order :-

The petitioner, who apprehending arrest for the alleged offence under Section 406 & 420 & 34 of I.P.C, in Crime No.51 of 2022, on the file of respondent police, seeks anticipatory bail.

2. The petitioner herein apprehending arrest based on the complaint given by one Sugumar, who is the landlord of the subject property and the petitioner is sub lease. According to the prosecution, Arudhra Property Management which is lease under the defacto complainant and agreed to pay Rs.10 lakhs per month as rent to the defacto complainant and had sublet the premises to the petitioner collecting Rs.5,25,000/- and suppressed the facts to the defacto complainant.

3. The Learned Counsel for the petitioner while seeking anticipatory bail would submit that, already the defacto complainant has initiated Eviction Proceedings before the Rent Control Original Petition, Pondicherry and same is pending. While so, giving criminal colour to the rental agreement, the present complaint has been filed.



4. On perusing the records and the averment made in the F.I.R., as well as Rent Control Original Petition, this Court is inclined to Anticipatory bail is granted to the petitioner. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Puducherry, on condition that, the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties 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 appear before the Investigating Officer, daily at 10.30 a.m., until further orders.

(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 have been imposed and the petitioner released on anticipatory 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/-
20/04/2022

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,
NO.I, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
DHANVANTRI NAGAR POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S.A.ASHWINKUMAR Advocate on payment of necessary
charges SR.NO.5926

CRL OP.8455/2022

Date :20/04/2022

JPA 22/04/2022