



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.10339 of 2022

VISHAL AMIRTHARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
J-7 VELACHERRY POLICE STATION,
CHENNAI
(CRIME NO.220/2022)

[RESPONDENT]

For Petitioner : M/S.V.RAMAMURTHY Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner herein, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 427 & 506(i) of IPC, in Crime No.220 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Pursuant to the complaint filed under Section 156(3) of Cr.P.C., before the learned XVIII Metropolitan Magistrate, a case has been registered by the respondent police in FIR No.220 of 2022 on 21.04.2022, alleging that the petitioner herein, who is the tenant under the de facto complainant without their permission, has tampered the electricity junction box and wiring for their Ice cream manufacture unit. Though the premises was let out only for selling ice cream, due to their illegal acts, there was a fire accident and frequent power failure causing disturbance to the other tenants. In this regard when the de facto complainant requested the petitioner and his father to stop manufacturing ice cream, they have threatened dire consequence with rowdy elements.



3. The learned counsel for the petitioner would submit that the de facto complainant with intention to forcefully evict the petitioner herein, adopted various dubious methods and in fact he engaged rowdy elements to forcefully evict him.

4. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.50,000/- (Rupees Fifty 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the Investigating Officer daily at 10.30 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;



(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

29/04/2022

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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
J-7 VELACHERRY POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.RAMAMURTHY Advocate on payment of necessary charges SR.NO. 6560

CRL OP.10339/2022

Date :29/04/2022

RW 05/05/2022