



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12354 of 2022

V.BHARATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
R-1 MAMBALAM POLICE STATION,
CHENNAI
CRIME NO.80 OF 2022.

[RESPONDENT]

For Petitioner : M/S.PRAKASH GOKLANY, Advocate for
M/S.VELU SRINIVASAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468 and 470 IPC in Crime No.80 of 2022, seeks anticipatory bail.

2.The contention of the petitioner is that the defacto complainant is the land lady and the petitioner is a tenant. There is a tenancy dispute, the defacto complainant has filed a case in R.L.T.O.P.835 of 2021 pending on the file of the Small Causes Court, Chennai to evict him from the said premises.

3.The petitioner's father originally had been a tenant for more than two decades. After his demise, the petitioner continued the tenancy. The land lady, for some reasons, is not willing to extend the lease agreement to the petitioner and there was some dispute. In the meanwhile, the petitioner had applied for a Postal Identity Card and



he had also given the defacto complainant's address as his address in the said application. In order to get the Postal Identity Card, he had submitted a rental agreement by using the defacto complainant's name, her residential address. Hence, she lodged a complaint.

WEB COPY

4. The learned Government Advocate (Criminal Side) submitted that the FIR in this case came to be registered, on the direction of the learned Metropolitan Magistrate under Section 156(3) of Cr.P.C. Investigation has been commenced. The petitioner had given false particulars and thereby attempted to create right over the tenancy property which is under dispute.

5. Considering the submission and perusal of the materials, it is seen that the petitioner and the defacto complainant are tenant and land lady and there is dispute between them and already a case is pending in the Small Causes Court, Chennai, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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 days from the date on which the order copy made ready, before the learned XVII Metropolitan Magistrate, Saidapet, on condition that the petitioner shall execute a separate 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 petitioner and 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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 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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
26/05/2022

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.XVII, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
R-1 MAMBALAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.VELU SRINIVASAN Advocate on payment of necessary charges

CRL OP.12354/2022

Date :26/05/2022

RW-03/06/2022