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CrI.OP.No.15878 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.15878 of 2022

G.Pradeep

..Petitioner/A1

Vs.

State Represented by the
The Inspector of Police,
K4 Police Station, Anna Nagar,
Chennai
crime No.116 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.116 of 2022 on the
file of the respondent police.

For Petitioner : Mr.Varun J

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

For Intervenor : M/s.Thenmozhi Sivaperumal

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 01.06.2022 for the offence punishable under Sections 406,



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420 & 506(i) of IPC in crime No.116 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that A1/the petitioner and the defacto complainant are relatives and the defacto complainant left his premises under the care of A1 and went to Australia in the year 2014. Thereafter, A1 sub-let the same to A2 without informing to the defacto complainant and received a sum of Rs.50,000/- as rent and Rs.15,00,000/- as advance. Thereafter, A2 sub-let the same to another person. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that A2 was granted anticipatory bail by the Principal Sessions Judge, City Civil Court, Chennai on 22.04.2022 in Crl.MP.No.6749 of 2022. He would further submit that already the defacto complainant filed a suit before the XIX Assistant City Civil Court in O.S.No.7653 of 2021 against the petitioner



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and A2 for permanent injunction, wherein the petitioner also filed written statement. However, the complainant in order to initiate criminal proceedings against the petitioner, has filed the present complaint by charging false allegations. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that after A1 sub-let the premises to A2, in turn A2 also sub-let the same to another person. Hence, he vehemently opposed to grant bail to the petitioner.

5. The learned counsel for the intervenor would submit that there are two portions in the premises belong to the defacto complainant, wherein one portion is now occupied by A2 and a shop is running in the other portion. It is further submitted that so far the possession of the premises has not been handed over to the defacto complainant and prayed for dismissal of the bail petition.

6. Considering the above facts and circumstances of the case, especially the defacto complainant has already filed a suit before the XIX



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Assistant City Civil Court in O.S.No.7653 of 2021 against the petitioner and A2 for permanent injunction, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned V Metropolitan Magistrate, Egmore, Chennai and on further conditions that:

[a] 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. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned V Metropolitan Magistrate,
Egmore, Chennai
- 2.The Inspector of Police,
K4 Police Station, Anna Nagar,
Chennai
- 3.Puzhal Jail,
Chennai
- 4.The Public Prosecutor,
High Court of Madras

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