



Crl.OP.No.20358 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 406, 420, 383, 441 & 34 IPC in Crime No.641 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased a property in bearing Door No.7, Meenambal Salai, K.K.D.Nagar, Kodungaiyur, Chennai from A1 to A3. However, when the defacto complainant went to the above premises, at that time, the premises was occupied by 4 to 5 members and they abused the defacto complainant and threatened him. It is alleged that the petitioner, who is a tenant under A1 to A3 entered into a lease agreement with A1 to A3 in respect of the subject property. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he



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prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner, who is a tenant under A1 to A3, entered into lease agreement in respect of the subject property, which was already sold to the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned counsel appearing for the defacto complainant would submit that the entire portion has been taken over and the whole building has also been demolished with proper permission.

6. Considering the facts and circumstances of the case, this Court finds that the custodial interrogation of the petitioner need not require. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-



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7. 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 X Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute 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 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.



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[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.

30.08.2022

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