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Crl.O.P.No.24876 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 427, 448 and 506(i) of IPC in Crime No.118 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a tenant under the 2nd accused's father. It is alleged that there arose a dispute in between the defacto complainant and the accused persons, due to which, the petitioner along with others trespassed into the defacto complainant's shop and thrown away entire goods which belong to the defacto complainant and thereby threatened with dire consequence. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given on account of landlord and tenant dispute. He would further submit that the



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co-accused in this case has already been granted anticipatory bail by this Court in Crl.O.P.No.16669 of 2022 on 18.07.2022. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the landlord of the defacto complainant and on account of dispute regarding payment of rent, the petitioner along with other accused have broke open the shop of the defacto complainant and have caused damages to the articles. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and also of the fact that the co-accused in this case has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 XIII Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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



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

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