



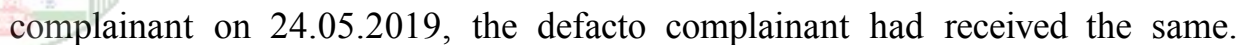
Crl.O.P.No.26901 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 420, 421 and 448 of IPC in Crime No.393 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per defacto complainant/Nelson Paul is that he had taken sub lease of 200sq.ft of land from the petitioner/accused and paid an advance of Rs.3,50,000/- and had agreed to pay a monthly rent of Rs.46,000/-. The further allegation is that the accused had without permitting the defacto complainant to run the business in the premises had closed the premises. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person, the case of civil dispute has been attempted to projected as a case of criminal nature. The petitioner had infact sub leased 200sq.ft of his property to the defacto complainant. The defacto complainant agreed to pay a rent at Rs.46,000/-p.m and paid for one year and thereafter failed to pay the rent, as on date he is in arrears of payment of Rs.5lakhs towards monthly rent. Thereby, the petitioner had issued a legal notice to the defacto



The petitioner had also given a complaint to the police, enquiry was conducted, the same was closed as civil in nature. Based on the Court direction, the present case has been registered. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The Government Advocate (Crl.side) would submit that the defacto complainant had sub leased 200sq.ft from the petitioner complainant and the petitioner without the knowledge of the defacto complainant had vacated the premises and taken away the goods. He would submit that the investigation is pending.

5. Heard the learned counsels and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), 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 (15) days from the date on which the copy of the order is made ready, before the XVIII Metropolitan Magistrate, Saidapet, Chennai, 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.

[d] the petitioner shall report before the respondent police daily at 10.30am for a period of one week and thereafter on every Saturday at 10.30am until further orders.

[e] 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].

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

With the above directions, this Criminal Original Petition is ordered.

04.11.2022

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Crl.O.P.No.26901 of 2022