



Crl.O.P.No.802 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 448 and 380 IPC in Cr.No.342 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was running a proprietary firm at the alleged premises by entering into a rental agreement with one K.Srinivasan, who is a relative of her husband. The owner passed away during August 2019 and after that his brother-in-law viz., Mr.Lakshmi Narayanan was communicating with the defacto complainant. However, on 18.04.2020 Mr.Lakshmi Narayanan called the defacto complainant and informed her that he has shifted the Firm's assets and other products from the premises alleging that the firm is a Software Company and several properties worth huge sum had been removed from the firm's office without the knowledge of the owner of the products, the present complaint is lodged.



3.The learned counsel appearing for the petitioner would submit that the petitioner is the brother of the deceased Srinivasan, and that the defacto complainant is brother-in-law. Originally the property belongs to Srinivasan, was rented out this petitioner. They have taken a sum of Rs.3 Crores for that use. The petitioner resides at Bangalore and working as Chartered Accountant and the petitioner has nothing to do with the Chennai property. On the guise that this petitioner is attempting to grab the property, the defacto complainant had lodged the present complaint. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that defacto complainant is a tenant, he was a rental agreement with one K.Srinivasan. During COVID he was not able to pay the rent. At the time, K.Srinivasan died, his brother-in-law has vacated the premises and informed the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. The alleged occurrence was said to have taken place on 01.12.2017. The learned counsel for the petitioner submit that the petitioner is the brother of the deceased Srinivasan who is the owner of the property under dispute, he was falsely implicated in the case by the defacto complainant who is also close relative of deceased Srinivasan. As per the FIR, the allegation is that this petitioner has trespassed into the property and removed the belongings of the defacto complainant and also forcibly took possession of the property. Learned counsel for the intervenor raised his objection and stated that, without his client's consent all her belongings were removed and forcibly thrown out from the property. Learned Government Advocate (Crl. Side) submits that there is a property dispute and both are close relatives, there is no possibility of tampering the evidence.

6.Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the



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event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **XVIII Metropolitan Magistrate Court, Saidapet, Chennai**, condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, with two sureties out of which one surety must be a blood related surety 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 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 Court concerned 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 as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered
under Section 229-A IPC.

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