



Crl.O.P.No.4841 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 420 and 506(ii) of IPC in Crime No.426 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant V.Kanagaraj is that he is the retired IAS Officer having five flats in No.468, 2nd Main Road, Erisceme, Mugappair, Chennai, since his son is working as Class I Officer at Belgaum, Karnataka, the de facto complainant resides in the Chennai address. On 01.08.2020, the de facto complainant leased out the said five flats to one Ramalingam for rent of Rs.6,00,000/- per month. Thereafter, the de facto complainant along with his wife was residing at T.Nagar, Chennai. In the month of January, 2022, the de facto complainant had gone to his Mugappair flats and asked the said Ramalingam to vacate the premises and hand over the flats to him. Thereafter, the said Ramalingam has vacated the two flats out of five flats. In the remaining three flats, one Balamurugan, Kasinathan and



CrI.O.P.No.4841 of 2023

Sriramulu have been residing as sub-tenants. Since the caution deposit is not repaid by the said Ramalingam, the sub-tenants refused to vacate the flats. On 03.07.2022, the de facto complainant had gone to his Mugappair flats, the accused have threatened him and refused to vacate the flats for which, the de facto complainant has lodged a complaint before the respondent Police. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have taken the flat on lease from the first accused Ramalingam after paying Rs.13,00,000/-, whereas, the first accused has not only cheated the petitioners but has also cheated the owner of the house. He would further submit that the petitioners are the real victims and they have lost their money. He would further submit that the petitioners have earlier given a complaint against the first accused Ramalingam before the Inspector of Police, CMBT, Chennai and the case in Crime No.528 of 2022 has been registered against the first accused Ramalingam in this



CrI.O.P.No.4841 of 2023

case. Later, the petitioners came to know that the house owner is the Retired IAS Officer and based on his complaint, a fresh case has been registered against the petitioners and the first accused in Crime No.426 of 2022 before the Nolambur Police Station, Chennai. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners along with the first accused had taken lease of the de facto complainant's house and thereafter, they have not paid the rental amount and they have cheated the de facto complainant. When the de facto complainant ask them to vacate the house, the petitioners have threatened the de facto complainant. He would further submit that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record



6. Considering the above facts and circumstances of the case and the submissions made on either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Ambattur**, on condition that each of the petitioner shall execute a separate 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.



CrI.O.P.No.4841 of 2023

[b] the petitioners shall report before the respondent police every day at 6.30 p.m., for a period of two weeks and thereafter, every Saturday at 6.30 p.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

06.03.2023

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