



Crl.O.P.No.4881 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 alleged offences punishable under Sections 427, 448 and 380 of IPC, in Crime No.33 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Bharat H Purohit is that, he is the power of attorney for one Lalsingh and Anitha Lalsingh and that Lalsingh is a tenant in respect of shop.no.24 and Anitha Lalsingh is a tenant in respect of shop no.26 and that there was a dispute between the landlords and his principals. The further allegation is that the owners of the property attempted to evict the principals illegally for that they used to create problems and throw liquor bottles in front of the shop and they also tied cows in front of the complex. The further allegation is that they have illegally opened the shop and committed theft of all the articles and also 35 grams of gold bracelets which was kept in the shop. Hence the complaint.



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3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given on account of landlords and tenants dispute. He would further submit that originally the shop no.24 was rented out to one Sivakumar and shop no.26 was rented out to one Anithadevi and already the litigations are pending between the parties in CRP.Nos.3938 and 3939 of 2016 before this Court for the fixation of fare rent. While so, pending suits they have sub-leased the property to one Kanniyalal and the said Kanniyalal is the possession of the property. He would further submit that the renovation works were started and the original tenant Kanniyalal was accommodated in the first floor. While so, the petitioners who claimed exorbitant amount as pagadi have filed a false complaint and based on that they have also filed a suit in O.S.No.1358 of 2023 dated 17.02.2023 and only to make out the case, a false complaint has been given. He further submits that originally, the complaint was received and enquiry was conducted in CSR.No.41 of 2023 and the petitioners were summoned and they also appeared for enquiry before the respondent police. Now, the defacto complainant is attempting to convert the civil dispute into the case of criminal nature.



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The defacto complainant who is demanding huge amounts based on the false complaint is attempting to enter into the premises and thereby he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that there was a dispute between the landlords and tenants. He further submit that the allegation in the complaint is that the accused have broke open the shop of the defacto complainant and taken away a cash of Rs.1,40,000/-, AC, furnitures and a Bose Home Theatre Speakers and also damaged the complete glass walls. However, he submits that the earlier the petitioners were called for enquiry and they have also appeared for enquiry and the investigation is still pending. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel appearing for the Intervenor would submit that the petitioners are tenants in the premises and the accused taking law in their own hands in order to evict the principals of the defacto



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complainant by force has indulged in illegal activities. Hence he opposed for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioners, learned Government Advocate (Crl.Side) and also the learned counsel for the intervenor and also perused the materials available on record.

7.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 VIII Metropolitan Magistrate, George Town, Chennai, on condition that the petitioners 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



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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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter on every Monday and Friday at 10.30 a.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



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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;

09.03.2023

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