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Crl.O.P.No.7930 of 2023

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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 379, 406, 294(b) & 506(i) of IPC in Crime No.92 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's brother namely Ganesan who is a Partner of Ramesh Textiles, had entered into a rental agreement with the petitioner/accused on 16.01.2017 by fixing the advance amount for the rented premises as Rs.50,000/- and the monthly rent as Rs.14,000/- for doing Autoloom business in the premises of the petitioner/accused. While being so, on 10.05.2017, the defacto complainant borrowed a sum of Rs.2,00,000/- from the petitioner/accused and re-paid only Rs.1,00,000/-. Since the defacto complainant's brother Ganesan could not able to run the business, he went to abroad by handing over his business to the defacto complainant. Since the defacto complainant could not be able to make repay the



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balance amount of Rs.1,00,000/- to the petitioner/accused as assured by him, there was a dispute between the petitioner/accused and that the petitioner/accused threatened the defacto complainant to settle the amount with further interest or else, he would not allow him to take his materials kept in the rented premises. Thereafter, on 16.11.2022 at about 7.00 a.m., the defacto complainant found that his materials kept in the rented premises, were looted by the petitioner/accused and when the defacto complainant questioned him about the same, the petitioner/accused abused the defacto complainant with filthy language and also threatened him with dire consequences. 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 against him. He would submit that the defacto complainant was running a factory in the premises of the petitioner and he had not paid the rent for a long time and he also borrowed a sum of Rs.2 lakhs from the petitioner. While so, the defacto complainant's brother came and sold few old autolooms to the petitioner for the balance rental amount to be paid to the



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petitioner for which, he also issued receipt to the petitioner. Later, in order to extract money from the petitioner, the defacto complainant has given a false complaint against the petitioner as if, he committed theft of autolooms. He would submit that a case of civil dispute has been attempted to be converted as a criminal case and the defacto complainant is trying to settle the civil dispute by police force. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) for the respondent would submit that the defacto complainant is a tenant under the petitioner and there was a dispute between them with regard to rent. Hence, the petitioner had broke open the lock and taken away two auto power looms and also removed various other items from the rented premises of the defacto complainant. He would submit that the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner/accused.



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5. Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.

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 days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruchengodu, Namakkal District**, 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:



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

[b] the petitioner shall report before the respondent police every day 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 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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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

19.04.2023

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