



Crl.O.P.No.8547 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 147, 448, 341, 294(b), 323, 406 and 506(2) of IPC, in Crime No.32 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners who are employees in M/s.Cholamandalam Investments and Finance Ltd had trespassed into the office and evicted the defacto complainant by force. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are employee of M/s.Cholamandalam Investments and Finance Ltd. The defacto complainant had borrowed a sum of Rs.5,45,00,000/- from the petitioner's company, whereas, he has failed to repay the amount. After due notice to the defacto complainant and after following due process of law, the Chief Metropolitan Magistrate, Egmore, Chennai-8 in Crl.M.P.No.37574



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of 2022 dated 21.12.2022 had appointed the Advocate Commissioner to take steps to vacate the defacto complainant. The petitioners along with the Advocate Commissioner, had visited the premises to vacate the defacto complainant. During such time, the defacto complainant and the local councillor along with the henchmen, assaulted the petitioners and using their political influence, gave a false complaint as if the petitioners were illegally attempting to evict the defacto complainant. He would further submit that the petitioners are employees of M/s.Cholamandalam Investments and Finance Ltd and they have acted within the purview of law and they would not commit any illegality and thereby, he would seek for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are employees of M/s.Cholamandalam Investments and Finance Ltd and the defacto complainant had borrowed money from the company and defaulted in payment, the accused without following the procedures proceeded to evict



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the defacto complainant by taking the law into their hands and had assaulted and also evicted him by force. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. Heard both sides 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 counsel for the petitioners, 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 XXII Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) with two sureties** for a like sum to the satisfaction of the



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

[b] the petitioners shall report before the respondent police daily 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 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



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himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

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