



CrI.O.P.No.26434 of 2023

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**C.V.KARTHIKEYAN, J.**

The petitioner / A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 403, 406, 420, 469 and 471 of IPC in Crime No.268 of 2023, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant had rented out his house to A1 and without any authorization or consent, A1 had sublet the property to the petitioner herein / A2.

3.On the previous hearing date, the respondent were directed to issue notice under Section 41(A) Cr.P.C., to the petitioner herein and a report had been filed that the petitioner had appeared on 04.12.2023 and had also stated that he had paid a sum of Rs.7,00,000/- to A1 towards rental quite apart from cash of Rs.18,00,000/-.

4.With respect to the issue of subletting, the learned counsel had produced a copy of the Rental Agreement executed between the defacto complainant and A1, wherein, it is very specifically given that A1 has a right to sublet the property. Once that particular right had been given by



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the defacto complainant to A1 to sublet the property, then he cannot turn around and state that without his consent or knowledge, the property had been sublet. This particular document is not reflected in the FIR.

5.Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner herein.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioner 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.



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[b] the petitioner shall report before the respondent police daily 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]**.

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

07.12.2023

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