



Crl.O.P.No.712 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioner seeks anticipatory bail in Crime No.7 of 2024 registered by the Respondent Police for the offences under Sections 427, 447, 506(ii) and 380 IPC.

2. It is the case of the prosecution that the company of the Petitioner had taken on lease, a property at Double Dragon Industrial Park, Kottaiyur, Kannur Post, Thiruvallur District from the year 2007 onwards. Originally, the lease deed was registered and subsequently, it had been extended and renewed upto December 2020. The rents had also been paid with an increase of 5 %.

3. The gist of the complaint given by the defacto complainant is that the Petitioner herein did not vacate even though his father had expired but had continued to occupy unlawfully. It is also the grievance that the rent had not been paid on entirety but only a portion of the same had been paid. This is an issue which will have to be examined during the course of trial.



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4. It is also contended that the Petitioner herein had committed acts of theft by taking away certain construction materials but there is no quantification of loss suffered.

5. Taking all the factors into consideration more particularly the fact that the Petitioner had been paid the rents through cheque which had been encashed by the defacto complainant which naturally brings in continuous lessor/lessee relationship and acceptance of lease amounts towards the occupation by the Petitioner of the premises, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions. 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 – II at Thiruvallur**, 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 :



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

[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]**.



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

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