



Crl.O.P.No.16931 of 2024

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T.V.THAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 427, 441, 406 and 420 IPC in Crime No.431 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has running a Tea Shop in the name of M/s.Sunshine Tea House Private Ltd. The petitioner was entered into lease agreement of the said shop and a sum of Rs.11,20,000/- was being lease amount and a sum of Rs.1,40,000/- was fixed as monthly rent between both parties. The commencement of lease period from 05.09.2022 but the company miserably failed to pay the rents since the inception of the tenancy agreement. On 23.05.2023, the termination notice had issued to the defacto complainant and the entire things had been taken away by the company and also the company had damaged the shop at inner portion to the tune of Rs.3 lakhs and a rent of Rs.1,40,000/- is also pending. Hence the complaint.



Crl.O.P.No.16931 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the landlord and the defacto complainant is the tenant and that there is a lease agreement between them. He further submitted that the petitioner had filed a Civil Suit in O.S.No.394/2023 before the Additional District Judge, Chengalpet seeking relief of damages, and the same is now pending. He also submitted that the defacto complainant company had filed a petition in O.P.No.422/2023 seeking for appointment of Arbitrator and the dispute is now pending before the learned Arbitrator. Hence, he raised strong objection for granting anticipatory bail to the petitioner.



Crl.O.P.No.16931 of 2024

WEB COPY

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

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

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned District Munsif cum Judicial Magistrate, Sholinganallur**, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



CrI.O.P.No.16931 of 2024

WEB COPY

[b] the petitioner shall report before the respondent police, as and when required for interrogation;

[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 has been imposed and the petitioner is released on anticipatory 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]*; and;

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

19.07.2024

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CrI.O.P.No.16931 of 2024

T.V.THAMIILSELVI, J.,

ssi

CrI.O.P.No.16931 of 2024

19.07.2024