



Crl. O.P. No.22342 of 2024

Crl. O.P. No.22342 / of 2024

P. DHANABAL.J.,

WEB COPY

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Section 419, 420, 465, 468 and 471 of IPC in connection with the Cr. No.297 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the tenant in the premises of the defacto complainant for the past 10 years, but he has not paid the rent properly and also he also assaulted the defacto complainant, that further, in W.P. No.1006 of 2020, filed by the defacto complainant before the Madras High Court, the petitioner has submitted the lease agreements dated 01.11.2021, whereas the defacto complainant has not signed in those documents and the forensic lab report also revealed that the signatures found in the said documents are not of the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner is a practising Advocate, that he is the tenant under the defacto complainant and there is a tenancy dispute between the parties and thereby, the defacto complainant has lodged a false complaint and already the



Crl. O.P. No.22342 of 2024

defacto complainant has filed a Writ petition in W.P. No.1006 of 2020 before this Court, where the petitioner submitted the lease agreements and the same were sent to forensic lab for verification, that the petitioner was paying the rent regularly and now the defacto complainant wanted to vacate the petitioner without following the due process of law and the premises was handed over to the defacto complainant and hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner is the tenant of the defacto complainant and there is a tenancy dispute pending between them, as the petitioner without paying the rent, occupied the rented portion and thereby, there was a wordy quarrel between them and the petitioner also forged the documents as if the defacto complainant entered into agreement with the petitioner and the same was also sent for forensic analysis through this Court as per the order passed in W.P. No.1006 of 2020, but as per the forensic report, the signature of the defacto complainant was forged and therefore, the Hon'ble Division Bench of this Court directed the police to vacate the petitioner and as per the order of this Court, the premises was handed over to the defacto complainant on 29.08.2024, that already this petitioner filed a



Crl. O.P. No.22342 of 2024

petition before this Court and the same was dismissed and now, he again filed this petition, that the petitioner is not a law abiding person and he has not come with clean hands and hence he is not entitled to anticipatory bail. Hence he objected to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that already there is a dispute between the parties with respect to tenancy of house and as per the order of this Court, already the premises was handed over to the defacto complainant and already the alleged agreements were sent to expert opinion and the same was also obtained and also considering the fact that there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following 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 **IX Metropolitan Magistrate, Saidapet, Chennai** on condition that the petitioners shall each execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



Crl. O.P. No.22342 of 2024

with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on daily at 10 a.m. until further orders;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 269 B.N.S.2023.

25.09.2024



Crl. O.P. No.22342 of 2024

WEB COPY

To

- 1.The IX Metropolitan Magistrate, Saidapet, Chennai
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, J1 Saidapet Police Station, Chennai.

P.DHANABAL,J
mjs

CRL O.P. No.22342 of 2024



WEB COPY



Crl. O.P. No.22342 of 2024

25.09.2024