



WEB COPY



Crl.O.P.No.23560 of 2023

Crl.O.P.No.23560 of 2023
and
Crl.M.P.No.18109 of 2023

C.V.KARTHIKEYAN, J.

The Petitioners seek anticipatory bail in Crime No.203 of 2023 registered by the Respondent Police for the offences under Sections 294(b) and 506(i) IPC.

2. The learned Government Advocate (Criminal Side) stated that the Petitioners herein are the tenants under the defacto complainant and there was an issue that the Petitioners had taken possession of the 1st floor portions which were not actually part of the tenancy agreement. But the Petitioners were in occupation of two portions in the 1st floor. During the pendency of this particular petition, it is stated that the possession of the 1st floor portions had been handed over to the defacto complainant. Let the defacto complainant retain the possession of the said two portions on the 1st floor.

3. On the previous occasion, there was an issue about usage of a particular room meant for amenities in the ground floor. It is stated that it was opened but subsequently locked. That is an issue which is beyond the



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purview of examination of this Court, wherein, the issue of grant or denial of anticipatory bail alone is a factor to be considered. The bonafide shown by the Petitioners in handing over the possession of two portions in the 1st floor, is a factor to be considered for grant of anticipatory bail.

4. I am consciously not entering into any discussion about payment of arrears of rent or payment of arrears of electricity charges or any other aspects including provision of amenities which has to be addressed independently and separately.

5. Taking a narrow view of the entire aspects, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions. 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 XVII Metropolitan Magistrate, Saidapet**, on condition that the petitioners shall execute a separate 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



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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 once in a week i.e., on every Saturday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for the interrogation.

[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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala**



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[(2005)AIR SCW 5560].

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

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

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