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CrI.O.P.No.27615 of 2023

CrI.O.P.No.27615 of 2023

and

CrI.M.P.No.80 of 2024

C.V.KARTHIKEYAN, J.

An application in CrI.M.P.No.80 of 2024 has been filed to amend the cause title since the 1st Petitioner/Inbavalli had died pending the present petition. The amendment application is allowed. Registry is directed to make an amendment in the cause title in CrI.O.P.No.27615 of 2023 by deleting the name of the 1st Petitioner and rearranging the 2nd and 3rd Petitioners as the 1st and 2nd Petitioners.

2. The Petitioners seek anticipatory bail in Crime No.39 of 2021 registered by the Respondent Police for the offences under Sections 447, 380 and 506(i) IPC. It is stated that the Petitioners herein are the landlords and the defacto complainant is the tenant under them running a hotel at Keelakottaiyur, Vandalur to Kelambakkam Road. It is stated that originally a complaint was lodged by the defacto complainant and after investigation, the Respondent had closed it as mistake of facts. Later, an application was filed under Section 156(3) of Code of Criminal Procedure and on directions of the Judicial Magistrate Court, the FIR came up to be registered in the year 2021.



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3. It is the case of the defacto complainant that the Petitioners had entered into the hotel and had damaged the articles and had taken away the movable items which worth about a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only). However, the learned counsel for the Petitioners disputed the said contention and stated that the defacto complainant had also filed O.S.No.199 of 2020 before the District Munsif Court, Chengalpattu, but the same had been dismissed.

4. The learned counsel for the Petitioners stated that there are huge rental arrears and owing to demand for the same, this false complaint had been lodged.

5. Taking all the factors into consideration particularly the fact that since at one point of time, the investigation had revealed that no further action to be taken and later the FIR had been registered in the year 2021, 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 Judicial**



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Magistrate – I, Chengalpattu, 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 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 2nd petitioner/Ramesh to report before the Respondent daily at 10.30 a.m., for a period of two weeks and the 1st petitioner/Dhandapani to report before the Respondent once in a week i.e., on every Saturday at 10.30 a.m., for a period of two 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.



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[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 [(2005)AIR SCW 5560]**.

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

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