Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge.

Monday, the 31st day of July, 2023.

Crl.M.P.No.18292/2023

in

P-2, Otteri P.S. Crime No.378/2023

S.Devaraj .. Petitioner/Accused Vs.

State Rep. by The Inspector of Police, P-2, Otteri Police Station,

Chennai. ...Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.M.Kabilan, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

- 1. The petitioner, who apprehends arrest by the respondent police for the alleged offences punishable u/s 341, 294(b), 384 and 427 of IPC r/w Sec.4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.378/2023 on the file of the respondent police, seeks anticipatory bail.
- 2. The learned counsel for the petitioner submits that it is alleged that when the defacto complainant was demolishing his house, the petitioner and other accused objected and asked for mamool and threatened him. He further submits that the petitioner is innocent and he has not committed any offence as alleged. The petitioner / A2 has been falsely implicated in this case. The petitioner apprehends arrest at the hands of the respondent police. Hence, the petitioner may be granted anticipatory bail.
- 3. On the other hand, the learned CPP submits that when the defacto complainant was removing the debris from the house site, the petitioner along with two others demanded mamool, abused them and damaged the headlight of the JCB. The petitioner and other accused belongs to political party and the injured has been treated as outpatient. Arrest of the petitioner is necessary for custodial interrogation and hence, strongly opposed the petition.
- 4. It is alleged that the petitioner and other accused, who belong to a political party, went to the place of the defacto complainant when they were removing the debris and demanded mamool and threatened them. According to the prosecution, arrest of the

petitioner is necessary for custodial interrogation. Considering the nature of case, this court is not inclined to grant anticipatory bail.

5. Petition is dismissed.

Delivered by me today in open court.

ss Principal Sessions Judge

Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge.
Monday, the 31st day of July, 2023.

Crl.M.P.No.18294/2023

in

N-2, Kasimedu P.S. Crime No.196/2023

- 1. Amirdhavalli
- 2. Sathiyaseelan
- 3. Kathir @ Kathiresan
- 4. Senthil @ Senthilkumar

.. Petitioners/Accused

Vs.

State Rep. by

The Inspector of Police,

N-2, Kasimedu Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.M.Nithiyavel, G.Kameshwaran and K.Sarathkumar, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

- 1. The petitioners, who apprehend arrest by the respondent police for the alleged offences punishable u/s 147, 341, 294(b), 353, 332 and 506(i) of IPC in Crime No.196/2023 on the file of the respondent police, seek anticipatory bail.
- 2. The learned counsel for the petitioners submits that it is alleged that on 25.7.2023, two police officers had been searching the absconded accused one Sanjay @ Sathiyaseelan and the defacto complainant, on receipt of secret information, went to Power Kuppam Amma Clinic, at that time, the petitioners and another tried to restrain him and scolded the police personnel with filthy language. He further submits that the petitioners are no way connected with the alleged offence. The petitioners apprehend arrest at the hands of the respondent police. Hence, the petitioners may be granted anticipatory bail.
- 3. On the other hand, the learned CPP submits that totally 7 accused and A1, A4, A5 were remanded to judicial custody. When the police personal went to apprehend the A1, the petitioners and another pushed down the constable and he sustained injury on his leg. Further, the accused persons prevented the police personnel from discharging their duty. The injured was admitted in the hospital for one day and discharged. Arrest of the accused is necessary for interrogation. Hence, strongly opposed the petition.

- 4. The petitioners and another prevented the police personnel from arresting the accused A1 and also pushed down the police constable. The police constable sustained injury. According to the prosecution, arrest of the accused is necessary for interrogation. Considering the nature of case and strong objection raised by the prosecution, this court is not inclined to grant anticipatory bail.
 - 5. Petition is dismissed.

Delivered by me today in open court.

ss Principal Sessions Judge

Present: Tmt.S.Alli, M.L., Principal Sessions Judge.

Monday, the 31st day of July, 2023.

Crl.M.P.No.18300/2023

in

K-9, Thiru.Vi.Ka.Nagar P.S. Crime No.304/2023

- 1. Karthickayan @ Kulla Karthick
- 2. Deepak @ Ranjith Kumar

.. Petitioners/Accused

Vs.

State Rep. by

The Inspector of Police,

K-9, Thiru.Vi.Ka.Nagar Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.G.Sivakumar, K.Sujan Kumar, S.K.Masthan and V.J.Santhosh, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

- 1. The petitioners, who apprehend arrest by the respondent police for the alleged offences punishable u/s 341, 294(b), 324 and 506(ii) of IPC in Crime No.304/2023 on the file of the respondent police, seek anticipatory bail.
- 2. The learned counsel for the petitioners submits that it is alleged that the defacto complainant and his father were parking their Auto in front of the house of his grandmother, at that time, the petitioners came near to them, abused and assaulted them. It is further alleged that the defacto complainant sustained injury on the right neck, admitted in Stanley Hospital and discharged. He further submits that the petitioners are innocent and they have nothing to do with the alleged offence. The petitioners apprehend arrest at the hands of the respondent police. Hence, the petitioners may be granted anticipatory bail.
- 3. On the other hand, the learned CPP submits that when the defacto complainant parked the Auto in front of the grandmother house, the accused abused him and assaulted him with knife. The injured has been discharged from the hospital and the petitioner is having six previous cases.
- 4. Dispute over parking of Auto. Injured has been discharged from the hospital. The petitioners are ready to co-operate for the investigation. Considering the nature of case, this court is inclined to grant anticipatory bail.

5. 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 of this order, before the V Metropolitan Magistrate, Chennai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a likesum 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 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 appear before the respondent police daily at 10.00 a.m. until further orders.

[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 Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

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

Delivered by me today in open court.

Principal Sessions Judge

Copies to:

- 1. The V Metropolitan Magistrate, Chennai.
- 2. CPP, Chennai.
- 3. The Inspector of Police, K-9, Thiru.Vi.Ka.Nagar Police Station, Chennai.

SS

Crl.M.P.No.18300/2023

Present : Tmt.S.Alli, M.L., Principal Sessions Judge.

Monday, the 31st day of July, 2023.

Crl.M.P.No.18295/2023

in

Crl.M.P.No.14660/2023

in

Crime No.148/2023

- 1. Kuppusamy
- 2. Siva
- 3. Bakkiyalakshmi
- 4. Bakkiyarani

.. Petitioners/Accused

Vs.

State Rep. by

The Inspector of Police,

H-3, Tondiarpet Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.B.Jaihari and K.Amudhakumari, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

- 1. The petitioners seek relaxation of the condition imposed by this court in Crl.M.P.No.14660/2023, dt: 30.6.2023.
- 2. The petitioners were granted anticipatory bail by this court in Crl.M.P.No.14660/2023, dated 30.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.
- 3. Learned CPP submits that the petitioners have complied the condition only for 24 days and hence, the petition may be dismissed.
- 4. The petitioners have complied the condition only for 24 days. Considering the nature of case and the number of days complied, this court is not inclined to relax the condition.
 - 5. Petition is dismissed.

Delivered by me today in open court.

Principal Sessions Judge

Present : Tmt.S.Alli, M.L., Principal Sessions Judge.

Monday, the 31st day of July, 2023.

Crl.M.P.No.18296/2023

in

Crl.M.P.No.14190/2023

in

Crime No.3/2023

- 1. B.S.Rajkumar
- 2. B.K.Sugumaran

.. Petitioners/Accused

Vs.

State Rep. by

The Inspector of Police,

W-23, All Women Police Station,

Royapettah,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.A.M.Ilango, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

- 1. The petitioners seek relaxation of the condition imposed by this court in Crl.M.P.No.14190/2023, dt: 26.6.2023.
- 2. The petitioners were granted bail by this court in Crl.M.P.No.14190/2023, dated 26.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.
- 3. Learned CPP submits that the petitioners have complied the condition only for 25 days and hence, the petition may be dismissed.
- 4. The petitioners have complied the condition only for 25 days. Considering the nature of case and the number of days complied, this court is not inclined to relax the condition.
 - 5. Petition is dismissed.

Delivered by me today in open court.

Principal Sessions Judge

Present: Tmt.S.Alli, M.L., Principal Sessions Judge.

Monday, the 31st day of July, 2023.

Crl.M.P.No.18464/2023

in

Crl.M.P.No.11874/2023

in

Crl.M.P.No.10405/2023

in

Crl.M.P.No.7984/2023

in

Crime No.3/2023

Dr.T.K.Sathia Seelan

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
B-4, High Court Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.Saranath, M.S.Suresh and M.Jeevarathinam, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

- 1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.11874/2023, dt: 31.5.2023.
- 2. The petitioner was granted bail by this court in Crl.M.P.No.7984/2023, dated 10.4.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders. As per the order passed in Crl.M.P.No.10405/2023, the said condition was modified and the petitioner was directed to appear before the Special Court for Exclusive Trial of SC/ST Cases, Vellore daily at 10.30 a.m. until further orders. Thereafter, the said condition was modified as per order passed in Crl.M.P.No.111874/2023, dated 31.5.2023 and he was directed to appear before the Special Court for Exclusive Trial of SC/ST Cases, Vellore on every Monday at 10.00 a.m. until further orders.
- 3. The learned counsel for the petitioner submits that the petitioner underwent angiogram and hence, the condition may be relaxed.
- 4. Learned CPP submits that the petitioner has complied the condition for 11 days after modification.

- 5. Already the petitioner has complied the condition for 25 days and after modification, he as complied the condition for 11 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.
 - 6. (i) Petition is allowed.

SS

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

Principal Sessions Judge

Present: Tmt.S.Alli, M.L., Principal Sessions Judge.

Monday, the 31st day of July, 2023.

Crl.M.P.No.18367/2023

in

Railway P.S. Crime No.152/2023

K.Logesh .. Petitioner/Accused

Vs.

State Rep. by The Inspector of Police, Railway Police Station, Egmore, Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.S.Gopi, S.Adilah Sultana and S.Sridhar, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

<u>ORDER</u>

- 1. The petitioner, who was arrested on 18.7.2023 for the offences punishable under Section 147, 148, 341, 294(b), 324, 336, 506(ii) and 307 of IPC r/w Sec 152 and 153 of the Railway Act, 1989 in Crime No.152/2023 on the file of the respondent police, seeks bail.
- 2. Learned counsel for the petitioner submits that it is alleged that the petitioner and others have attacked the defacto complainant by using knife and wooden log and thrown stones over the electric train knowing fully well that their act may cause endanger to the safety of the passengers. He further submits that the petitioner is studying B.Sc. second year in Presidency College, Chennai. He used to travel in the train from Gummudipoondi to Chepauk to go to the college. Apart from that, he has not involved in the above said crime. The main allegation is against four persons. The petitioner is A6. The petitioner apprehend arrest at the hands of the respondent police. Hence, he may be granted anticipatory bail.
- 3. On the other hand, the learned CPP submits that the petitioner along with other accused, who are the college students assaulted the defacto complainant and others with knife. Further, the accused pulled the emergency chain of the train. When the defacto

complainant and others were identifying the accused to the Railway Police, the accused thrown stones on them and also on the train. The name of the petitioner has been mentioned in the FIR. He has been arrested only on 18.7.2023. Investigation is in the nascent stage. Hence, strongly opposed the petition.

- 4. It is the allegation that the petitioner and other accused pulled the emergency chain of the train, assaulted the defacto complainant and thrown stones on them and also on the train. The petitioner was arrested only on 18.7.2023. Investigation is at the nascent stage. Considering the gravity of offence and short duration of custody, this court is not inclined to grant bail.
 - 5. Petition is dismissed.

Delivered by me today in open court.

Principal Sessions Judge

SS

Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge.
Monday, the 31st day of July, 2023

Crl.M.P.No.1/2023

in

C.A.No.433/2023

in

C.C.No.1423/2019

(on the file of the Metropolitan Magistrate, FTC-IV, George Town, Chennai)

Asha Devi

.... Petitioner/Appellant/Accused

Vs.

AL.Chellappan

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.R.Ganesh, P.Karthikeyan and Nishanthi, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

- 1. The petitioner seeks suspension of sentence pending disposal of the appeal.
- 2. The Petitioner/Appellant herein is the accused in C.C.No.1423/2019 on the file of the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai. On 5.7.2023 judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act he was sentenced to undergo three months Simple Imprisonment and to pay fine of Rs.6,00,000/- which is ordered to be paid to the complainant as compensation, in default, to undergo three months S.I.
- 3. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.
- 4. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The trial court suspended the sentence till 5.8.2023.
- 5. As per Sec.148 of N.I. Act (Amendment Act), 2018, the Appellate Court may order the Appellant to deposit such sum which shall be a minimum of Twenty percent of the fine or Compensation awarded by the Trial Court. In the above provision, it is clearly stated

that the amount shall be deposited within 60 days from the date of the judgment. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for a period of three months and in these circumstances, it may not be right to hold that the petitioner has to serve the sentence during the pendency of the appeal.

- 6. Considering the above facts and the value of the fine amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the fine amount.
- 7. Accordingly, the sentence of imprisonment imposed on the petitioner by the lower Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai. Further the petitioner shall deposit 20% of the fine amount to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.
 - 8. The appeal has been made over to I Additional Sessions Court, Chennai.
 - 9. The appeal is posted on 23.8.2023.

 Delivered by me today in open court.

Principal Sessions Judge

Copy to

The Metropolitan Magistrate, FTC-IV, George Town, Chennai.

SS

Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge.
Monday, the 31st day of July, 2023

Crl.M.P.No.18214/2023

in

C.A.No.427/2023

in

C.C.No.6550/2016

(on the file of the XX Metropolitan Magistrate, Allikulam Complex, Chennai)

Kanimozhi

.... Petitioner/Appellant/Accused

Vs.

R.Sankaran

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.V.Rajkumar, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

- 1. The petitioner seeks suspension of sentence pending disposal of the appeal.
- 2. The Petitioner/Appellant herein is the accused in C.C.No.6550/2016 on the file of the learned XX Metropolitan Magistrate, Allikulam Complex, Chennai. On 1.3.2023, judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act and sentenced to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.44,400/- with interest at the rate of 6% p.a. within 8 weeks from the date of order as compensation to the complainant, in default, to undergo 8 weeks S.I.
- 3. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.
- 4. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The judgment was pronounced on 1.3.2023 and the trial court had suspended the sentence till 2.3.2023 and for production of sureties adjourned to 2.3.2023. On 2.3.2023, the learned trial court has suspended the sentence till the appeal period is over. As such, the appellant / petitioner ought to have approached this court for suspension of sentence on or before 31.3.2023. However, the petitioner has filed the appeal

along with suspension of sentence petition only on 9.6.2023, after the lapse of suspension period. In the meantime, since the petitioner / appellant has not obtained any order for suspension of sentence from the appellate court, on 15.5.2023, the trial court has issued a conviction warrant against the petitioner for the execution of the sentence imposed by the trial court. In the above circumstances, the petitioner / appellant ought to have surrendered before the appellate court and get the order of suspension of sentence and also bail. Considering the above circumstances and the conduct of the petitioner, this court is not inclined to suspend the sentence. Accordingly, the petition is dismissed.

Delivered by me today in open court.

Principal Sessions Judge

Copy to

The XX Metropolitan Magistrate, Allikulam Complex, Chennai.

SS

Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge.

Monday, the 31st day of July, 2023.

<u>Crl.M.P.No.17651/2023</u>

in

J-7, Velachery P.S. Crime No.Not known/2023

Kadar Mohideen .. Petitioner/Accused

Vs.

State Rep. by The Inspector of Police, J-7, Velachery Police Station,

Chennai. ...Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.A.P.Sathyamurthy and P.Narayana Prasadh, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

- 1. The petitioner, who apprehends arrest by the respondent police for the alleged offences punishable u/s 420 of IPC in Crime No.Not known/2023 on the file of the respondent police, seeks anticipatory bail.
- 2. The learned counsel for the petitioner submits that the petitioner is running a tea shop. One Prasad, who is the owner of the property being vacant land at Andal Nagar Extension, Velachery, decided to sell the property and approached the petitioner. The sale consideration was fixed at Rs.74,00,000/- After paying the full sale consideration amount, the seller Prasad executed a sale deed in favour of the petitioner and at that point of time, someone raised objection, the sale deed was registered as pending document. Pending the document, as the petitioner is in possession and occupation of the said land, the defacto complainant being a builder / constructor, who knows very well that the petitioner is the owner of the land, approached the petitioner and invited him for joint venture and a Memorandum of Understanding was entered between the petitioner and the said builder agreeing for 55:45 sharing ratio. It was further agreed that after release of the pending sale deed, construction has to be started and the defacto complainant agreed to pay Rs.25,00,000/- towards joint venture agreement and paid an advance of Rs.5,00,000/- In the said MOU, it has been clearly stated that after the release of the pending sale deed, defacto complainant should start the construction work. The defacto complainant failed to pay the remaining balance agreed amount of Rs.20,00,000/- and filed the false complaint. The

respondent in support of the defacto complainant pressurising the petitioner to pay a sum of Rs.15,00,000/- to her without any basis. The petitioner apprehends arrest and hence, he may be granted anticipatory bail.

- 3. On the other hand, the learned CPP submits that the defacto complainant and the petitioner entered into a Memorandum of Agreement to construct flats in the property owned by the petitioner and the petitioner received Rs.15 lakhs from the defacto complainant, however failed to executed Power of Attorney document and also failed to repay the amount.
- 4. According to the defacto complainant the petitioner has received Rs.15 lakhs and cheated him. According to the petitioner, the defacto complainant has paid only Rs.5 lakhs, which has been mentioned in the MOU. It appears that there is dispute over construction of flats between the parties. No case has so far been registered and only CSR is pending. The petitioner is ready to appear for enquiry. Considering the above circumstances, this court is inclined to grant anticipatory bail.
- 5. 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 of this order, before the XVIII Metropolitan Magistrate, Chennai 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 likesum 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 Magistrate may obtain a copy of their Aadhar card or Bank Pass book to ensure their identity.
- [b] the petitioner shall appear before the respondent police daily at 10.00 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 Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

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

Delivered by me today in open court.

Principal Sessions Judge

Copies to:

- 1. The XVIII Metropolitan Magistrate, Chennai.
- 2. CPP, Chennai.
- 3. The Inspector of Police, J-7, Velachery Police Station, Chennai.

SS

Crl.M.P.No.17651/2023