

Crl.O.P.No.10921 of 2015**R.SUBBIAH, J.**

Apprehending arrest at the hands of the respondents-Police, for the alleged offences punishable under Sections 399 & 506(ii) of IPC, (altered into Sections 399 & 307 r/w 120(b) IPC) in Crime No.3788 of 2015, the petitioner has approached this Court seeking the relief of anticipatory bail.

2.The case of the prosecution, in brief, is as follows_

2(1)The petitioner herein has been arrayed as 6th accused in this case. On 15.11.2014, one Balamurugan had informed the Inspector of Police, J-4, Kotturpuram Police Station, Chennai City, that five unknown suspected persons sitting inside the white colour Xylo Car bearing Registered No.TN 55 Y 9657 near a canal and they were talking about committing robbery. Based on the oral statement given by the said Balamurugan, the Inspector of Police went to W.C.B.Road, Bharathi Avenue Junction and secured the said five persons and at that time, one Kutti @ Ranjithkumar ran away from the spot. The remaining four persons were arrested by the Inspector of Police. On enquiry, one of the accused persons viz., Rajendran confessed that on the direction of one Dinakaran, Paramakudi, Ramanathapuram District, they came to Chennai with one Kutti @ Ranjithkumar, who is the Leader of them, to murder one Robert Ravi, who is working as Teacher at Adyar Sysya School. Based on the said confession statement of accused Rajendran, a case was registered in Crime No.3788 of

2014 under Section 399 IPC and the accused persons, Rajendran, Prabhu & Naina, Stephen, Karthick @ Karthikeyan were produced before the learned IX Metropolitan Magistrate Court, Saidapet, Chennai and remanded to judicial custody. The Inspector of Police had enquired the said Robert Ravi, his wife Vedha and her sister Tmt.Suba.

2(2)During the course of investigation, the accused Kutti @ Ranjithkumar was arrested by the Inspector of Police and his confession statement was recorded. Based on his confession statement, a case was registered in Crime No.3804 of 2014 under Sections 341, 323, 392, 397, 336, 427 and 506(ii) IPC on 16.11.2014.

2(3)While so, the said Tmt.Suba (who is the sister-in-law of Robert Ravi) filed a direction petition before this Court being CrI.O.P.No.31429 of 2014 praying to transfer the investigation of the case in Crime Nos.3788 & 3804 of 2014 pending on the file of the respondent-Police to any other independent agency like CBCID. This Court by order dated 01.12.2014 has transferred the investigation from the file of the 2nd respondent to the 1st respondent herein. As per the direction of the Court, the 1st respondent-Police has taken up the investigation and enquired the said Robert Ravi, his wife Vedha and sister-in-law Suba and recorded their statements. The said Suba had stated that petitioner/accused, who is her father-in-law, was doing a joint business with her husband. On few occasions, the petitioner/accused misbehaved with Suba and when that was informed to her husband, there arose some misunderstanding between her

husband and her father-in-law (petitioner herein). While so, husband of Suba died in suspicious circumstances. Thereafter, she came to Chennai and working as a Teacher with the help of the said Robert Ravi. Since the said Robert Ravi was helping Suba (daughter-in-law of the petitioner), the petitioner arranged the accused persons through one Dinakaran to murder the said Robert Ravi.

2(4)The learned Judicial Magistrate/FTC, Egmore, Chennai recorded the statements of the said Robert Ravi, Tmt.Vedha and Tmt.Suba under Section 164 of Cr.P.C. Based on their statements under Section 164 of Cr.P.C., the offences were altered into Sections 399 & 307 r/w 120(b) IPC in Crime No.3788 of 2014 and similarly, the offences were altered into Sections 341, 323, 392, 397, 336, 427, 506(ii), 307 r/w 120(B) IPC in Crime No.3804 of 2014. It is main allegation against the petitioner that on the instigation of the petitioner herein and on the instruction of the said Dinakaran, the accused 1 to 5 came to Chennai to murder the said Robert Ravi.

3.The learned senior counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and it is utter false to state that the petitioner misbehaved with his daughter-in-law Suba and in fact, this allegation is being made by her for the first time for the purpose of filing the present complaint and there was no such allegation made by her earlier. In fact, the petitioner's son died in a road accident on 23.01.2013

when he was trying to overtake a lorry on the left side of the road and even in the Police Report it was mentioned as an accident. It is utter false to state that the petitioner herein is the instrumental for the killing of his son. After the demise of his son, the petitioner requested his daughter-in-law Suba to live with them as a joint family due to the love and affection and also for the welfare of the children; but, she voluntarily left the house and came to Chennai. The actual dispute between the parties is only with regard to the custody of the children. In this regard, GWOP.No.42 of 2014 is pending between the parties before the original side of this Court and both the parties are hotly contesting the same. It is only the relatives of the petitioner's daughter-in-law like the said Robert Ravi have given statements making false allegations against the petitioners. The Investigating Officer himself has no confidence in the witnesses, that is the reason why their statements have been recorded before the learned Magistrate under Section 164(5) Cr.P.C.

4.The learned senior counsel appearing for the petitioner has further submitted that originally anticipatory bail petitions were filed by the petitioner here before the learned I Additional Sessions Judge, Chennai, in CrI.M.P.Nos.18318 & 18319 of 0214; but, the Public Prosecutor reported before the learned I Additional Sessions Judge that the petitioner is not an accused in the case; hence, recording the submission made by the Public Prosecutor, the anticipatory bail petitions were dismissed by the learned I Additional Sessions Judge, Chennai. Therefore, the daughter-in-law of the

petitioner herein viz., Suba filed the direction petition in Crl.O.P.No.31429 of 2014 before this Court to transfer the cases in Crime Nos.3788 & 3804 of 2014 from the file of the 2nd respondent herein to any other independent agency like CBCID; this Court has allowed the said criminal original petition and transferred the cases to the 1st respondent herein for investigation. Now, by using the influence and on the basis of the false allegations, the 1st respondent-Police is trying to arrest the petitioner. The learned counsel for the petitioner reiterated that the dispute between the parties is only with regard to the custody of the children and that with false allegations the present criminal cases have been filed by the petitioner. Thus, the learned counsel for the petitioner prayed for grant of anticipatory bail to the petitioners.

5.But, the learned counsel appearing for the intervener has vehemently opposed the granting of anticipatory bail to the petitioner stating that the petitioner misbehaved with his daughter-in-law (intervener). In this regard, the learned counsel for the intervener has also invited the attention of this Court to the complaint dated 25.07.2013 given by the intervener to the Police and submitted that in the said complaint as early as in the year 2013, the intervener/defacto-complainant has stated about the torture given by the petitioner to the intervener/defacto-complainant. Further, the learned counsel for the intervener/defacto-complainant submitted that there is a suspicion over the death of the husband of the intervener. Further, the

petitioner has arranged the hooligans to kill the said Robert Ravi, who is helping the intervener/defacto-complainant.

6.It is the reply of the learned senior counsel appearing for the petitioner that the alleged complaint dated 25.07.2013 given by the defacto-complainant to the Police has been created by the defacto-complainant and in fact, the said complaint was sent by the defacto-complainant to the Police only after six months from the date of death of the petitioner's son. The inordinate delay in preferring the complaint would speak about the falsehood of the case of the defacto-complainant. The learned counsel for the petitioner has reiterated that the dispute between the parties is only with regard to the custody of the children and the allegations made by the defacto-complainant are all false. Thus, the learned counsel for the petitioner prayed to grant anticipatory bail.

7.The learned Government Advocate (Crl.Side) submitted that the investigation is at initial stage and if the petitioner is granted anticipatory bail, it would hamper the investigation.

8. I have carefully heard the submissions made on either side and perused the materials available on record.

9.Considering the facts and circumstances of the case, I am of the

opinion that anticipatory bail could be granted to the petitioner by imposing stringent conditions. Accordingly, the petitioner is directed to be released on bail, in the event of his arrest or on his appearance before the concerned Court, on his executing 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 learned IX Metropolitan Magistrate, Saidapet, Chennai, and on further condition that the petitioner shall report before the 1st respondent-police daily at 10.30 am for a period of one week and thereafter, as and when required.

10.The petitioner shall appear before the concerned Court within a period of 15 days from the date of receipt of a copy of this order, failing which, the anticipatory bail granted shall stand automatically cancelled.

18.06.2015

SSV

R.SUBBIAH, J.

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Pre-delivery order

in

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