



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Seventh day of April Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.6779 and 6761 of 2015

P. NEETHIMOHAN

... PETITIONER/ ACCUSED NO.4 IN
CRL.OP (MD) NO.6779/2015

1.PANEERSELVAM
2.T.KALIAMOORTHY
3.R.DHANASEKAR

... PETITIONERS/ACCUSED NOS.1 TO 3
IN CRL.OP (MD) NO.6761/2015

Vs

1.THE INSPECTOR OF POLICE
CBCID, TRICHY UNIT
(CRIME NO.2/2015)
2.THE INSPECTOR OF POLICE
CBCID, PUDUKKOTTAI,
CRIME NO.2/2015
(INVESTIGATING OFFICER)

... RESPONDENTS/COMPLAINANTS
IN BOTH THE PETITIONS

For Petitioner : M/S.M.SURESH KUMAR Advocate in
Crl.OP (MD) No.6779/2015

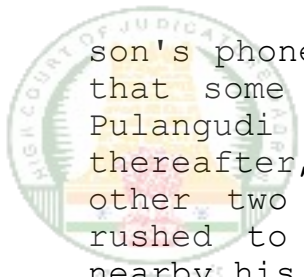
M/S.T.ANTONY ARULRAJ, Advocate in
Crl.OP (MD) No.6761/2015

For Respondent : Govt. Advocate (Crl. Side)
in both the Petitions

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are A1 to A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 341 and 506(i) of IPC, in Crime No.2 of 2015 on the file of the 2nd respondent police and hence, seek anticipatory bail.



son's phone and the caller introduced himself as Sekar and informed that some persons were conducting survey near his son's plot at Pulangudi Colony and asked him urgently to visit the spot and thereafter, three similar calls were received continuously from other two phone numbers and therefore, the de-facto complainant rushed to the spot, where he found that three persons standing nearby his son's plot and four persons inside the plot.

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3.It is further alleged that when the de-facto complainant was about to move 200 feet road by his car, he saw two persons standing with Aruval, one person with iron road and others with wooden logs and at that time, A1 shouted and ordered the other accused to kill the de-facto complainant and thereafter, the other accused persons chased the de-facto complainant, but the de-facto complainant hurriedly escaped from the scene.

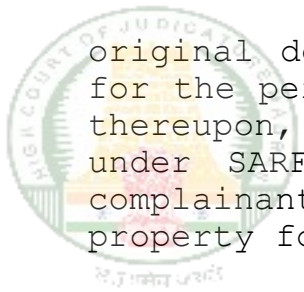
4.The 2nd respondent has filed a counter affidavit and denied the allegations made by the petitioners/accused in the anticipatory bail petitions and further stated that the investigation is at the very earlier and preliminary stage and all the accused are still absconding and adopted all strategies to evade the fair investigation.

5.It is further stated that A4 has involved in Trichy Vigilance and Anti-Corruption case, in connection with Crime No.4 of 2012 under sections 7, 13(2) r/w 13(1)(b) of Prevention of Corruption Act, 1988 and he is facing trial in Special Case No.7 of 2013 and if the accused are enlarged on anticipatory bail, they will indulge in tempering the evidences. It is further stated that the earlier anticipatory bail petitions filed by the petitioners were dismissed only on 01.04.2015 and there is no change of circumstances and hence, the present petitions are not maintainable.

6.Mr.G.R.Swaminathan, learned counsel appearing for the petitioners submitted that the alleged occurrence said to have taken place in the year 2013 and the allegations are highly improbable and this complaint was given with a view to preempt the petitioners from enforcing the power given to them.

7.The learned counsel further submitted that petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the de-facto complainant was engaged in Real Estate business and so many criminal cases are pending against him and due to previous enmity, this case has been foisted against the petitioners and therefore, the petitioners may be granted anticipatory bail.

8.Per contra, Mr.A.Prasanna Rajadurai, learned counsel for the de-facto complainant/intervenor submitted that the de-facto complainant had purchased a property to an extent of 13504 sq. feet in 11th Cross Street, Thillai Nagar, Trichy from one Rajeswari for a valid sale consideration of Rs.24,03,712/- on 16.09.1998 and at that time, it was represented that the original owner had lost her



original documents and on the basis of the Encumbrance Certificate for the period between 1927 and 1998, he purchased the property and thereupon, the Indian Bank, Trichy Branch issued a possession notice under SARFAESI Act and to safeguard the property, the de-facto complainant had participated in the public auction and purchased the property for a sum of Rs.1,05,12,000/- in the name of his son.

9.The learned counsel further submitted that one former Minister's brother had shown interest in the property and at his instigation, three false complaints were filed against the de-facto complainant and under the guise of enquiry, the 4th accused namely P.Neethimohan, who was working as the Inspector of Police, attached to the City Crime Branch, Trichy had trespassed into the house of the de-facto complainant on 18.11.2011 and by threaten and coercion, taken away his original documents, cheques and other valuables and thereafter, the de-facto complainant and his son were illegally detained by him and brutally attacked and thereafter, their signatures were obtained by force in blank documents and in cheques and thereafter, they were taken to the Registrar's Office at Srirangam and obtained power deeds in the name of one Dhanasekaran and Kaliyamoorthy, for which the de-facto complainant had lodged a complaint on 22.11.2011.

10.The learned counsel further submitted that the Assistant Commissioner of Police, (Special Cell for Anti-Land Grabbing), Trichy conducted a detailed enquiry and submitted a report, dated 15.06.2012 holding that the allegations are true and also recommendation for departmental action against the 4th accused. The de-facto complainant had received final summon on 10.03.2013 for enquiry to be held on 12.03.2013 and when the de-facto complainant and his son were about to proceed for attending enquiry, this occurrence had taken place with a view to murder the de-facto complainant and his son.

11.The learned counsel further submitted that on the basis of the order passed by this court in W.P.(MD)No.12854 of 2013, the case was transferred to CBCID and the investigation is at the initial stage and if the accused are enlarged on anticipatory bail, they will temper the witnesses.

12.The learned Government Advocate (Criminal side) appearing for the State, vehemently opposed the petitions reiterating the contentions in the counter affidavit of the 2nd respondent.

13.It is not disputed that the petitioners earlier filed petitions for anticipatory bail in CrI.O.P(MD)Nos.4220 of 4221 of 2015 and after arguing at length, sought permission to withdraw and they were dismissed as withdrawn on 01.04.2015. Though the earlier petitions were not dismissed on merit, it can be presumed that considering the serious allegations made against the petitioners, this court was not inclined to grant anticipatory bail to the petitioners and therefore, the learned counsel withdrew the earlier petitions.



14. It is to be noted that this is not a simple case of wrongful restraint and criminal intimidation to the de-facto complainant. The de-facto complainant has alleged that politicians colluding with police officials and hirelings have attempted to grab the valuable property of the de-facto complainant and they obtained signatures in blank papers and also Power of Attorney. The Assistant Commissioner of Police, who conducted enquiry on the complaint found truth in the allegations and recommended for departmental enquiry against the 4th accused. All the accused successfully stalled further actions on the complaint since 2011 and the cases were transferred to the 2nd respondent in the year 2014, in pursuance of the order passed by this court in the writ petition. In these background, I do not find force in the contentions of the counsel for the petitioners.

15. Though the case stands registered under sections 341 and 506 (i) of IPC, I am of the view that the allegations in the complaint are serious in nature and therefore, custodial interrogation of the petitioners is very much necessary in this case and hence, the petitioners are not entitled for anticipatory bail.

16. In the result, both the petitions are dismissed. The 2nd respondent police is at liberty to secure the accused persons and take appropriate action as per law.

sd/-

27/04/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

2. THE INSPECTOR OF POLICE, CBCID, TRICHY

3. THE INSPECTOR OF POLICE, CBCID, PUDUKKOTTAI,

+1. CC to M/S.M.SURESH KUMAR Advocate SR.No.22581

+One cc to M/S.T.ANTONY ARUL RAJ, Advocate, SR.No.22577

+One cc to M/S.A.PRASANNA RAJADURAI, Advocate, SR.No.22647

RL/7C - 29/4/2015

ORDER

IN

CRL OP (MD) Nos.6779 and 6761
of 2015

Date : 27/04/2015