



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

Thursday, the Twenty Ninth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

CRL OP(MD) No.24204 of 2016

1 S.ANNAMALAI, ... 1st PETITIONER / 6th ACCUSED
2 H.S.UPENDRA KAMATH, ... 2nd PETITIONER / 7th ACCUSED
Vs

1 STATE REPRESENTED BY
THE DEPUTY SUPERINTENDENT OF
POLICE, CYBER CRIME POLICE STATION, CID,
BANGALURU.

2 THE SUPERINTENDENT OF POLICE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.ANNAMALAI Advocate

For Respondent : Govt. Advocate (Crl. Side)

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

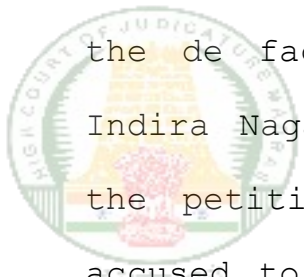
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the first respondent police for the alleged offence punishable under Sections 109, 120B, 406, 108A, 420 and 409 IPC in Crime No.418 of 2016 on the file of the first respondent police, seek anticipatory bail.

2.Mr.P.Kandasamy, Government Advocate (Crl.side), took notice for the 2nd and 3rd respondents. Heard the learned counsel on either side and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

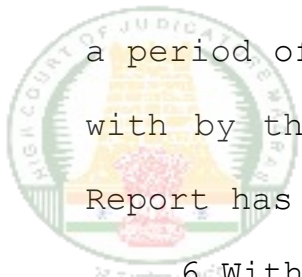
3.The learned Senior Counsel for the petitioners submitted that



the de facto complainant preferred the present complaint before Indira Nagar Police Station, Bengaluru on 16.12.2016 stating that the petitioners have hatched a criminal conspiracy with the 4th accused to destabilize Tamil Nadu Mercantile Bank (TMB). He also submitted that the de facto complainant filed a petition under Section 93 of Cr.P.C. before the I Additional Chief Metropolitan Magistrate, Bangalore seeking to issue a search warrant. He further submitted that the petitioners have been falsely implicated in this case and prays for interim anticipatory bail to the petitioners.

4. At this juncture, it would be appropriate to refer to the order passed by this Court in W.P.No.25521 of 2015 dated 25.11.2016, wherein this Court has considered the law relating to the jurisdiction of this Court to issue a writ for quashing First Information Report registered in a Police Station outside the State of Tamil Nadu, by referring to various judgments. It was held in that order that even though the First Information Report registered in a police station outside the State of Tamil Nadu deserves to be quashed, yet, judicial discipline demands that this Court should not trespass into the territorial jurisdiction of the Court outside Tamil Nadu and assume the power to quash the First Information Report, especially in the light of the reasoning given in the case of S.Ilanahai v. The State of Mumbai and others, reported in 2015-1-LW (Cr1.) 395.

5. In the light of the said proposition laid down by this Court in W.P.No.25521 of 2015 dated 25.11.2016, as an interim measure, the warrant for arrest in pursuant to registration of the First



a period of four weeks from today and the matter is left to be dealt with by the Court within whose jurisdiction, the First Information Report has been registered, in accordance with law.

6. With the above interim protection, the Criminal Original petition is disposed of, with liberty to the petitioners to approach the jurisdictional Court, within whose jurisdiction, the First Information Report has been registered, within a period of four weeks from today.

sd/-
29/12/2016

/ TRUE COPY /

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

TO

1. THE DEPUTY SUPERINTENDENT OF
POLICE, CYBER CRIME POLICE STATION, CID,
BANGALURU.

2. THE SUPERINTENDENT OF POLICE,
THOOTHUKUDI.

3. THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI.

4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S. ANNAMALAI Advocate SR.No.83785

ORDER
IN
CRL OP(MD) No.24204 of 2016
Date : 29/12/2016