

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.Nos.29183 & 29184 of 2017

V.Balasubramaniam .. Petitioner in Crl.O.P.No.29183 of 2017

J.Swetha .. Petitioner in Crl.O.P.No.29184 of 2017

Vs.

State, Rep. by
Inspector of Police,
City Crime Branch,
Coimbatore - 18

... Respondent in both the Crl.O.Ps

PRAYER in both the Crl.O.P.s: Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the direction given by the Principal District & Session Judge, Coimbatore, in C.M.P.No.3118 of 2017 and C.M.P.No.3119 of 2017 respectively, dated 07.12.2017 that "in the meantime, if the respondent police is found commission of any cognizable offence by the petitioner in the respective petitions, the respondent police is at liberty to take appropriate action against the petitioner in respective petitions. Otherwise the respondent police is directed not to arrest the petitioner in the respective petitions" into "the petitioner is granted Anticipatory Bail in the respective petitions.

For Petitioners : Mr.N.Ponraj in both the Crl.O.Ps

For Respondent : Ms.P.Kritika Kamal
Government Advocate (Crl.Side)

COMMON ORDER

In an order dated 07.12.2017 made in C.M.P.Nos.3118 & 3119 of 2017 of the Principal District & Sessions Judge, Coimbatore, passed on a petition seeking Anticipatory Bail, it was observed that the respondent police are at liberty to take action against the petitioners, in case, during the course of the inquiry, it is found that any cognizable offence has been committed. In my view, the above said observations are unwarranted, and also outside the scope of prayer seeking Anticipatory Bail.

2 It is seen that the respondent police had informed the Court below that there was no case registered against the

petitioners and that only petition inquiry is pending. While that being so, the observation made by the Court below may cause serious prejudice to the petitioners in as much as it indicates a possible action to be taken as against the petitioners by the respondent police. Hence the following observation made in the order dated 07.12.2017 made in C.M.P.Nos.3118 & 3119 of 2017 of the Principle District & Sessions Judge, Coimbatore, shall stand deleted:-

"In the mean time, if the respondent police is found commission of any cognizable offence by the petitioner in the respective petitions, the respondent police is at liberty to take appropriate action against the petitioner in the respective petitions. Otherwise, the respondent police is directed not to arrest the petitioner in the respective petitions."

3 All other observations made in the order dated 07.12.2017 made in C.M.P.Nos.3118 & 3119 of 2017, shall stand intact.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

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To

1. The Principal District & Session Judge,
Coimbatore
2. The Inspector of Police,
City Crime Branch,
Coimbatore - 18
3. The Public Prosecutor
High Court, Madras.

+ one cc to Mr.N.Ponraj, Advocate SR.NO. 2764

+ one cc to Mr.N.Ponraj, Advocate SR.NO. 2765

CrI.O.P.Nos.29183 & 29184 of 2017

NRK(CO)

JK 05/02/18