

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.17296 of 2018

S.Anish Patel

.. Petitioner

Vs

State Rep. by
The Inspector of Police
Land Grabbing Cell,
Coimbatore-43

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner by the learned Principal Sessions Judge, Coimbatore, in C.M.P.No.1653 of 2018 dated 18.06.2018.

For Petitioner : Mr.C.D.Johnson
For Respondent : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)
for R1

O R D E R

This Criminal Original Petition has been filed to modify the condition imposed on the petitioner vide order dated 18.06.2018 by the Principal Sessions Judge, Coimbatore, in C.M.P.No.1653 of 2018

2. On the complaint given by one Selvi, petition enquiry is being conducted by the respondent police in Current Paper No.72 of 2018. While so, the petitioner filed Crl.MP.No.1653 of 2018 for grant of anticipatory bail, in which, the Principal District and Sessions Judge, Coimbatore, granted anticipatory bail on 18.06.2018, on certain conditions, one of which is that the petitioner should appear before the respondent police twice i.e. daily at 10.30 a.m. and 5.30 p.m. until further orders. For modifying the above said condition, the petitioner has filed the present petition.

3. Heard Mr.C.D.Johnson, learned counsel for the accused and the learned Government Advocate (Crl. Side) for the respondent.

4. The learned counsel for the accused submitted that even a regular FIR has not been registered and therefore, the condition imposed by the Sessions Court, directing the petitioner to report before the respondent police twice is indeed onerous.

5. Per contra, the learned Government Advocate (Crl. Side) submitted that the petitioner did not appear before the respondent police even once and on account of which, the police have not been able to complete preliminary enquiry.

6. This Court gave its anxious consideration to the rival submissions.

7. In Lalita Kumari vs. Govt. of U.P. & others [(2014) 4 SCC 1, the Supreme Court has held that in certain matters the police can conduct preliminary enquiry before registering the FIR. In this case, the dispute between the petitioner and the complainant-Selvi is essentially with regard to a land. It is also seen that a suit is pending in O.S.No.42 of 2018 between the parties. Therefore, the police cannot be faulted for conducting preliminary enquiry before registration of the FIR. It is the duty of the petitioner to comply with the conditions imposed by the Sessions Court and appear before the respondent police. Hence, the condition imposed by the Principal District and Sessions Judge, Coimbatore, directing the petitioner to appear before the respondent police twice i.e. daily at 10.30 a.m. & 5.30 p.m. is modified to the effect that the petitioner shall report before the respondent police everyday at 5.30 p.m. for a period of four weeks. Rest of the conditions imposed by the Principal District and Sessions Judge, Coimbatore, shall remain the same. In the meantime, the respondent police shall complete preliminary enquiry. If a regular FIR is registered, this anticipatory bail order will not enure to the benefit of the petitioner and he should have to apply afresh.

With the above modification, this petition is ordered.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Coimbatore.

2.The Inspector of Police
Land Grabbing Cell,
Coimbatore-43

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.C.D.Johnson, Advocate sr.no.45189

Cr1.OP No.17296 of 2018

nr 18/07/2018



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