

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
CRL.O.P.No.22804 of 2018

1.K.Subramanian
2.S.Srithar
3.S.Manoj

...Petitioners/Accused Nos.1 to 3

Vs.

The State rep. by,
The Inspector of Police,
Central Crime Branch,
Tiruppur.
(Crime No.26 of 2018)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioners in Crime No.26 of 2018, on the file of the respondent police, which has been registered on transfer of further investigation in Crime No.173 of 2018, on the file of the Inspector of Police, Central Police Station, Tiruppur, in which the petitioners were already given Anticipatory Bail by this Hon'ble Court by order dated 12.06.2018.

For Petitioner : Mr.J.Antony Jesus
For Respondent : M/s.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent not to harass the petitioners in Crime No.26 of 2018 on file of the respondent/police which has been registered and transferred on the FIR in Crime No.173 of 2018 on the file of the Inspector of Police, Central Police, Tiruppur for further investigation in which the petitioners were already obtained Anticipatory Bail from this Court.

2. The learned counsel for the petitioners has submitted that based on the complaint given by one Ramaswamy, the Inspector of Police, Central Police Station, Tiruppur City has registered a case against the petitioners herein in Crime No.173 of 2018 under Sections 120(b), 468, 420, 423, 109 and 419 IPC. He further submitted that the petitioners got Anticipatory

Bail in that case by filing Criminal Original Petition No.12484 of 2018 on the file of this Court. He further submitted that subsequently the said First Information Report has been transferred to the respondent/police for further investigation and on that basis, the respondent has registered the FIR in Crime No.26 of 2018 and threatened the petitioners that he will arrest them. He further submitted that the respondent is insisting the petitioners to appear before him for enquiry purpose.

3.The learned Additional Public Prosecutor has submitted that both the FIRs were registered based on different complaints and hence, the respondent has insisted the petitioners to obtain bail in Crime No.26 of 2018 also. She further submitted that the petitioners are not cooperating for investigation.

4. A perusal of the FIR in Crime No.26 of 2018 shows that the Inspector of Police, Central Police Station, Tiruppur has forwarded the FIR in Crime No.173 of 2018 to the respondent herein and on that basis, he gave a new crime number. Merely because a new crime number is given, it cannot be said that it is a different case. Already the petitioners have obtained Anticipatory Bail from this Court. Under the said circumstances, the respondents should not insist the petitioners to get bail once again.

5. If the appearance of the petitioners is necessary for investigation, it is open to the respondent to issue summons to the petitioners and on receipt of the summons, the petitioners should appear before the respondent and co-operate for investigation. Instead of doing so, the respondent should not harass the petitioners under the guise of enquiry.

6. With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vv2/vsa

To

1.The Inspector of Police,
Central Crime Branch,
Tiruppur.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.Antony Jesus, Advocate, S.R.No.66446

CRL.O.P.No.22804 of 2018

PA(CO)

rrs 10/10/2018



WEB COPY