

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.28700 of 2018

ALAGAR RAJA @ RAJA

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
TIRUPUR RURAL POLICE STATION,
TIRUPUR.

CR.NO.571 OF 2017

For Petitioner : M/S.AJMAL ASSOCIATES Advocate

For Respondent : M/S. KRITIKA KAMAL P, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

This is the third anticipatory bail application and the last petition being CrI.O.P.No.16995 of 2017 has been dismissed by this Court, by a detailed order on 22.08.2017.

2.It is the case of the prosecution that Alagar Raja @ Raja (A1) has business dealing with *de facto* complainant, on account of which, some dispute arose. It is alleged that, at the instance of Alagar Raja @ Raja (A1), the *de facto* complainant was abducted on 03.07.2017 at knife point and was detained in a desolate place for two days. While he was under detention, it is alleged that, the accused had obtained his signatures in blank papers and also in stamp papers. The *de facto* complainant was released only on 06.07.2017 and he reached home after which, he lodged the complaint to the Police, based on which, the present case in Crime No. 571 of 2017 was registered under Sections 364-A, 394 and 397 IPC.

3.Learned counsel for the accused submitted that, after the dismissal of the earlier anticipatory bail application on 22.08.2017, the Police have not been able to arrest the accused till date and they have also completed the investigation and have filed a final report in PRC.No.38 of 2017 before the Judicial Magistrate No.IV, Tiruppur. He further contended that, if the accused is released on anticipatory bail, he will appear before the trial court and take part in the proceedings.

4.Per contra, Mrs. Kritika Kamal, learned Government Advocate (Crl.Side) submitted that, non-bailable warrant has been issued against the petitioner for his arrest by the committal Court, viz., Judicial Magistrate No.IV, Tiruppur.

5.In the opinion of this Court, the filing of final report by the Police cannot be a reason to grant anticipatory bail to the accused, in a case of this nature. Similarly, the failure of the Police to arrest the accused cannot also be a good reason, to grant the relief of anticipatory bail to the accused, who has masterminded the abduction.

In such view of the matter, this Court does not find any merit in this application and consequently, this anticipatory bail application stands dismissed.

-sd/-

12/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPUR RURAL POLICE STATION,
TIRUPUR.

+1CC to M/S.AJMAL ASSOCIATES Advocate on payment of necessary charges SR NO.23774

CRL OP.28700/2018

Date :12/12/2018

MK:18/12/2018