

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. SATHYANARAYANAN

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12414 of 2019

RAJENDRAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DHARMAPURI.
CR.NO.1 OF 2018

[RESPONDENT]

For Petitioner : M/S.P.TAMILAVEL Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

For Intervener : M/S.ILAYA PERUMAL Advocate

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

ORDER : The Court Made the following order :-

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner/A.2, namely, Rajendran, son of Rajasekar, apprehending arrest at the hands of the respondent police in connection with the case in Cr.No.1 of 2018 registered for the commission of the offences under Sections 120(B), 465, 468, 471 and 420 I.P.C., has filed this petition for anticipatory bail.

2. When the matter was listed on the last occasion, it was pointed out by the learned Counsel for the intervenor/defacto complainant who is also the petitioner in CrI.M.P.No.10378 of 2019 in CrI.O.P.No.12414 of 2019, that on earlier occasions, the very same petitioner filed two petitions for anticipatory bails and both the petitions came to be dismissed and deliberately suppressing the said relevant and material fact, the present petition came to be filed and that apart, it is argued by the learned Counsel for the intervenor that knowing pretty well that the entire so-called arbitration proceedings have no sanction of law, still participating in the arbitration proceedings and managed to get fake arbitration award and abusing the process of law, managed to get the said award executed in the form of sale deed and as such, he is not entitled to any indulgence of equity from this Court and prays for the dismissal of this petition.

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

3. The learned Counsel for the petitioner would submit that the fact of filing the earlier petitions for anticipatory bail has not been brought to his knowledge and prays for apology and left it to the discretion of this Court to pass appropriate orders in this petition.

4. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the State would submit that the petitioner knowing pretty well that the entire so-called arbitration proceedings have no sanction of law, still participating in the arbitration proceedings and managed to get fake arbitration award and abusing the process of law, managed to get the said award executed in the form of sale deed and hence, he is not entitled to the discretionary relief of anticipatory bail and would further add that since he happens to be prime accused, custodial interrogation is necessary to unearth the truth and prays for the dismissal of this petition.

5. This Court has paid it's best attention and anxious consideration to the rival submissions and also perused the materials placed on record.

6. As rightly pointed out by the learned Counsel for the intervenor, the petitioner along with one P.Panneerselvam filed Crl.O.P.No.12897 of 2018 and Mr.N.Nagaraj filed Crl.O.P.No.12858 of 2018 and both the petitions were dismissed by this Court, vide order dated 03.05.2018. The petitioner along with the said P.Panneerselvam filed yet another petition in Crl.O.P.No.13901 of 2018 and it was once again dismissed by this Court on 25.07.2018.

7. A perusal of the present petition would reveal that the petitioner has deliberately burked the material fact of dismissal of the earlier two petitions for anticipatory bail and in paragraph 6, would also state that this is the first bail application moved before this Court and no other similar petition is pending. In the considered opinion of this Court, the said statement is a false one and for making such a kind of averment, the petitioner is necessarily to be visited with all necessary consequences.

8. A perusal of the petition for intervention filed by the defacto complainant would also disclose that the petitioner is said to have entered into an oral agreement of sale and thereby, filed a petition for arbitration proceedings and in the said arbitration proceedings, the Arbitrator, namely, Mr.K.Rajaram, has passed exparte arbitration award. It is also brought to the knowledge of this Court that Mr.K.Rajaram who was indulging in similar kind of acts, was visited with disciplinary proceedings at the hands of the Bar Council of Tamil Nadu and Puducherry and he was suspended and he filed an appeal before the Bar Council of India and since the punishment has been suspended, taking advantage of the situation, he once again passed fake arbitration award and still remains absconding and according to Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the State, all efforts are being taken to nab him and a special team has also been formed.

the petitioner is not entitled for the discretionary relief of anticipatory bail and therefore, this petition is dismissed.

-sd/-

30/07/2019

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 PRINCIPAL DISTRICT JUDGE
DHARMAPURI

2 THE JUDICIAL MAGISTRATE NO.II
DHARMAPURI

3 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDANT OF POLICE,
DHARMAPURI DISTRICT,
DHARMAPURI.

7 THE BAR COUNCIL OF TAMIL NADU
AND PUDUCHERRY, CHENNAI-104.

8 THE ADVOCATE GENERAL OF TAMIL NADU,
HIGH COURT, MADRAS

9 THE REGISTRAR GENERAL
HIGH COURT, MADRAS

10 THE REGISTRAR JUDICIAL
HIGH COURT, MADRAS

+1 CC to M/S.P.TAMILAVEL Advocate on payment of necessary charges SR.NO. 15843

CRL OP.12414/2019

Date :30/07/2019