

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. SATHYANARAYANAN

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.27537 of 2019

J.JEGANNIVASAN

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S.SARAVANAKUMAR Advocate

For Respondent : MR.R.PRATHAPKUMAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/S.A.ILLAYA PERUMAL, ADVOCATE

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner is arrayed as A-10 and he was arrested on 04.10.2019 and remanded to judicial custody for the alleged commission of offences under Sections 120-B, 420, 465, 468 and 471 IPC as well as under Section 109 IPC in Cr.No.1/2018 registered by the respondent.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a Member of Dharmapuri Bar and in the FIR in Cr.No.1 of 2018 registered by the respondents, there is absolutely no allegation levelled against the petitioner/A-10 and he would further add that all along he merely discharged duties as a lawyer and in the absence of any materials connecting him with the commission of offence along with the prime accused, his custody is no longer required and further pleaded that since he is in judicial custody for nearly 13 days, prays for bail.

3. The learned Additional Public Prosecutor appearing for the State has drawn the attention of this Court to the additional Status Report dated 16.10.2019 submitted by the Additional Director General of Police (Law and Order) and would submit that immediately after the

arrest, the petitioner / A-10 voluntarily came forward to give confession statement and his application for police custody is pending before the Court of Judicial Magistrate No.II, Dharmapuri and orders are yet to be passed. It is the further submission of the learned Additional Public Prosecutor that in order to facilitate the prime accused namely A.R.Chandran @ A.R.Ravichandran @ A.R.Sai chandran, he acted as Mediator and was also a party to very many fake arbitral awards and his custodial interrogation is absolutely necessary to show further progress in the investigation.

4. Mr.Illayaperumal, the learned counsel appearing for the intervenor / defacto complainant would submit that the petitioner, who claims to be the practicing Advocate, very well knew as to the procedure under the Arbitration and Conciliation Act, 1998 and knowing pretty well about the antecedents of the prime accused, he actively connived with the prime accused and indulged in the so called mediation and actively assisted the prime accused in passing very many fake arbitral awards and thus he brought disrepute to the noble profession of Advocate and prays for dismissal of this petition.

5. This Court has considered the rival submission and also perused the materials placed before it.

6. The petitioner claims to be a practicing lawyer and he was arrested on 04.10.2019 and his application for police custody is still pending. The prime accused namely A.R.Chandran @ A.R.Ravichandran @ A.R.Sai chandran was also arrested on 10.10.2019 and according to the prosecution he voluntarily came forward to give two confession statements and the contents of the same would prima facie disclose the active role played by this petitioner in passing very many arbitral award which have found to be fake, based on which some benefits had also accrued in favour of third parties. Admittedly the petition for police custody is pending and since he is also one of the accused, who said to have been actively connived and colluded with the prime accused and his application for police custody still is pending, this Court is of the view that it is not a fit case for grant of bail at this stage.

7. In the result, the Criminal Original Petition is dismissed.

-sd/-

17/10/2019

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 JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, DHARMAPURI,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ADDITIONAL DIRECTOR
GENERAL OF POLICE (LAW AND ORDER),
CHENNAI.

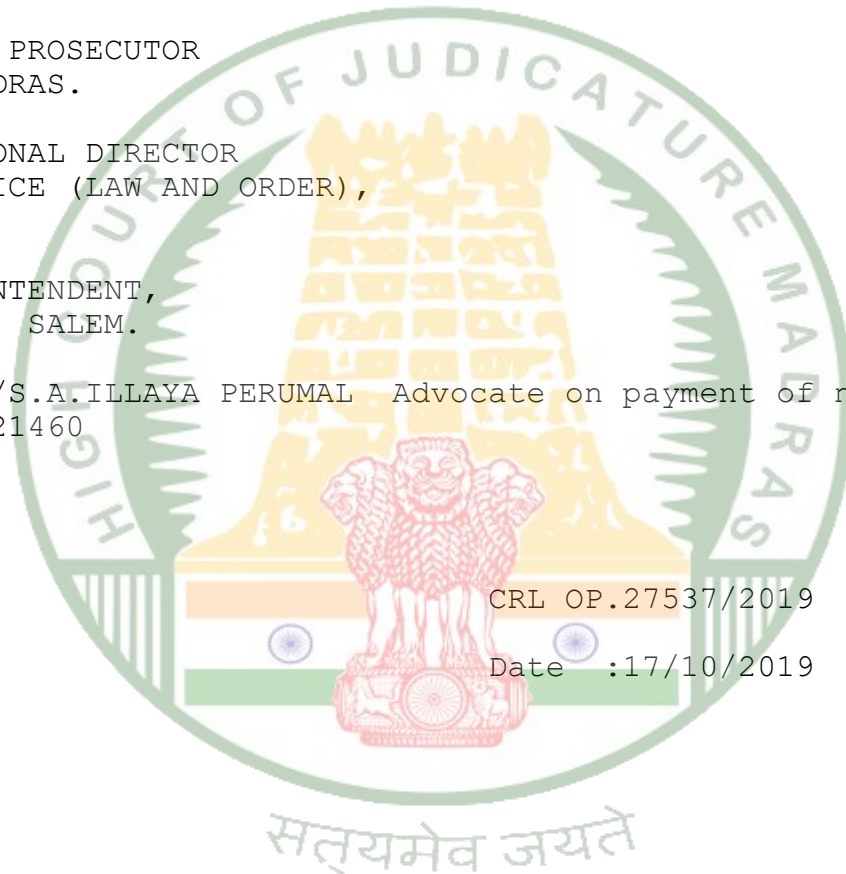
6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.A.ILLAYA PERUMAL Advocate on payment of necessary
charges SR.No.21460

CRL OP.27537/2019

Date :17/10/2019

cs 23/10/2019



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