

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. SATHYANARAYANAN

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.28877 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.S.SARAVANA KUMAR Advocate

For Respondent : MR.PRATHAP KUMAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S A.ILAYA 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, who claims to be a practicing Advocate and belongs to Dharmapuri Bar, is arrayed as A-10 and he was arrested on 04.10.2019 by the respondents in Crime No.1 of 2018 for the alleged commission of offences under Sections 120(b), 465, 468, 471 and 420 IPC.

2. Mr.S.Saravana Kumar, learned counsel appearing for the petitioner would submit that in the FIR, no specific allegation have been levelled against the petitioner and he has been falsely implicated and arrested solely based upon the alleged confession given by the 8th accused namely, Mr.A.R.Chandran and further allegation is that he said to have introduced A2/Rajendran. It is the further submission of the learned counsel appearing for the petitioner that police custody of the petitioner was taken and material information / documents have also been collected and that apart, he is suffering due to heart ailment and he has to support his family consists of his wife, two children and his parents and in the light of the fact that nearly a month had lapsed from the date of his arrest, prays for enlargement of his bail.

3. However, the plea of the petitioner is strongly opposed by Mr.Prathap Kumar, learned Additional Public Prosecutor who has drawn the attention of this Court to the additional Status Report filed by the Additional Director General of Police (Law and Order) dated 06.11.2019 and would submit that 2 days police custody of A-10 was given and he has also gave further confession on 08.10.2019 and through confession, very many articles and documents have been collected and majority of the documents pertain to arbitration proceedings, in which the petitioner had acted as Sole Arbitrator and that apart, he was in active connivance and collusion with A-8 namely A.R.Chandran, who had played a very major role in the fake arbitration proceedings and awards, and that apart his confession also implicated A-11, who acted as Broker/Gun Man to A8, which also lead to his arrest. It is also the submission of the learned Additional Public Prosecutor that the investigation reveals that he conducted arbitration award like a regular Court proceedings to give out a impression to the persons as if he acted as Judge and passed orders in judicial proceedings, despite knowing his limitation being a practising lawyer. It is also contented by the learned Additional Public Prosecutor that in the event of petitioner being enlarged on bail, there is every likelihood to tamper with the witnesses, taking advantage of the fact of Lawyer and hence, until the investigation is completed, he cannot be enlarged on bail.

4. The defacto complainant has filed a petition for intervenion in Crl.M.P.No.16164 of 2019 in Crl.O.P.No.28877 of 2019 and in respect of the said petition, this Court heard the submission of Mr.D.Illayaperumal, learned counsel for the intervenor. The learned counsel for respondent/petitioner in Crl.O.P.No.28877 of 2019 has no serious objection. Therefore, the petition is ordered.

5. The learned counsel appearing for the Intervenor / defacto complainant would submit that the petitioner had active collusion and connivance with A.R.Chandran (A8) in the fake arbitral proceedings and awards, which also resulted in very many awards and indulged in cheating and other alleged offences and in the event of his enlargement on bail, he will threaten and tamper with the evidence and prays for appropriate orders.

6. This Court paid its best attention to the rival submissions and also perused the Status Report dated 06.11.2019 submitted by the Additional Director General of Police (Law and Order).

7. The petitioner/A-10 was arrested on 04.10.2019 and vide order dated 17.10.2019 passed by the jurisdictional Magistrate Court No.II, Dharmapuri, police custody was granted for two days and during the period of police custody, he said to have given further confession on 08.10.2019 which lead to the discovery of evidence and recovery of incriminating articles as well as the documents relating to very many arbitration proceedings and awards.

8. That apart, a communication has also been sent to District Heads of Police, Coimbatore seeking information about the pendency of the case against A4, A8 and A10 and these particulars are yet to be

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collected. The petitioner who claims to be the practising lawyer should be aware of his acts, especially with regard to the provisions of Arbitration and Conciliation Act, 1996 (amended) and the implications of conducting arbitral proceedings and the result of awards and its effects on the parties who are participated in the arbitration proceedings and the above cited Status Report would disclose that very many documents have been collected pertaining to conducting of arbitration proceedings and awards.

9. In the light of the fact that the particulars relating to the antecedents of this petitioner are yet to be collected and that the investigation is also in the crucial stage, this Court is not inclined to enlarge the petitioner on bail. It is also the plea made by the learned counsel appearing for the petitioner that the petitioner is suffering due to heart ailment and if it is true, the jail authorities are directed to take appropriate and sufficient steps to give proper treatment.

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

-sd/-

07/11/2019

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 COURT
NO.II, DHARMAPURI

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

4 THE SUPERINTENDENT, CENTRAL PRISON, SALEM

CC to M/S.S.SARAVANA KUMAR Advocate on payment of necessary charges

CC to M/S.A.ILAYA PERUMAL Advocate on payment of necessary charges
SR.22952

CRL OP.28877/2019

Date :07/11/2019

RVR 14/11/2019

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