

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1743 of 2020

ELIZABETH @ RANI ELIZABETH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI-600 007.
CR.NO.495 OF 2018.

For Petitioner : M/S.S.PUSHPAKARAN Advocate

For Respondent : M/S.SARATHA DEVI V., GOVERNMENT ADVOCATE (Crl.Side)

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

ORDER : The Court Made the following order :-

The present petition is filed by the petitioner praying this Court to grant anticipatory bail, in the event of her arrest by the respondent police in relation to Crime No.495/2018 on the file of the Inspector of Police, Central Crime Branch, Vepery, Chennai.

2. A perusal of the records reveal that this is the fourth in the series of anticipatory bail applications moved by the petitioner. Even as early as on 3.4.19, in Crl. O.P. No.8818/2019, prayer was made to permit the petitioner to withdraw the petition for anticipatory bail and, accordingly, the same was dismissed as withdrawn. Subsequently, Crl. O.P. No.10752/2019, which was filed for anticipatory bail, on 23.4.19, prayer was made to permit the petitioner to withdraw the petition, which was acceded to by this Court.

3. In the third round, petition for anticipatory bail in Crl. O.P. No.12469/2019, the prayer was acceded to by this Court, vide order dated 9.5.19, however, subject to certain conditions, one of the main condition being deposit of Rs.75,00,000/- within a particular time frame. However, without depositing the amount, miscellaneous petition in Crl. M.P. Nos. 7543 and 7545/19 were filed, one for reducing the deposit amount from Rs.75,00,000/- to Rs.50,00,000/- and another for extension of time for sureties of which the former prayer was rejected, while the latter prayer was allowed by this Court vide order dated 17.6.19, extending the time

4. However, without complying with the above said order, once again, through the present fourth round of petition, the petitioner prays for anticipatory bail by filing the above petition. This Court, while appreciating the entire factual matrix of the case, vide its order dated 3.2.2020, noticing that the respondent police had not diligently acted by arresting the petitioner, inspite of non-compliance of the directions of this Court, directed the Assistant Commissioner, Vepery Division, to be personally present in Court on 5.2.2020 to explain the reason for not taking arresting the accused inspite of non-compliance of the direction.

5. Pursuant to the said order, Mr. Ramachandra Murthy, the Assistant Commissioner of Police (CCB), Vepery Division is present before this Court today. Learned Government Advocate (Criminal Side) submits that the present incumbent had taken charge of the office of Assistant Commissioner, Vepery Division only a week back and, therefore, he is not conversant with the orders passed by this Court. However, it is prayed by the learned Government Advocate that steps will be taken to arrest the petitioner/accused within a period of two weeks and compliance will be reported to this Court. The above submission made by the learned Government Advocate, on instructions from the Assistant Commissioner, Vepery Division, is taken on record. In view of the said submission, the presence of Mr. Ramachandra Murthy, Assistant Commissioner (CCB), Vepery Division, is dispensed with.

6. Coming to the factual matrix of the issue, the sequence of events, as narrated above, which has ultimately culminated in the filing of the present petition for grant of anticipatory bail, clearly reflects the callous and indifferent attitude of the petitioner to the various orders passed by this Court. The attitude of the petitioner not only reveals forum shopping, but also borders on abusing the process of this Court. The act of the petitioner in filing quadruple petitions for anticipatory bail, over and over again, shows his temerity in giving a go-by to the various orders passed by this Court and it not only shows utter disrespect to the judicial process and the orders passed by this Court, but is an act of contempt committed by the petitioner. The sanctity of the judicial process has been taken for a ride by the act of the petitioner in filing series of anticipatory bail applications and inspite of obtaining order, failing to comply with the same and with equal exuberance, once again coming before this Court with another round of petition for the same relief. Such an act of the petitioner is deprecated and in fact, this Court, though is well within its powers to initiate action for such a disrespectful act of the petitioner, however, refrains itself from doing so.

7. For the reasons aforesaid, not only the act of the petitioner, but the facts of the case as well does not call for grant of any relief to the petitioner and, accordingly, this petition is dismissed. The petitioner is hereby warned not to abuse the process of this Court by filing further petitions, without complying with the earlier directions issued by this Court.

-sd/-
05/02/2020

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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI-600 007.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.PUSHPAKARAN Advocate on payment of necessary charges SR.No.2403

CRL OP.1743/2020

Date :05/02/2020

cs 13/02/2020

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