

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P.D.AUDIKESSAVALU

CRIMINAL ORIGINAL PETITION No.2278 of 2020

1 THIRU.SENTHIL BALAJI

[PETITIONER / ACCUSED]

2 THIRU.ASHOK KUMAR

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EGMORE, CHENNAI-600 008.
CR.NO.441/2015.

R.B. ARUN KUMAR

[PETITIONER/INTERVENOR/VICTIME (LW47)]

**[ORDERD AS PER THE ORDER OF THIS COURT DATED 07/02/2020 MADE IN
CRL.MP.NO.1728/2020 IN CRL.OP.NO.2278/2020.]**

For Petitioner : MR.S.PRABHAKAR SENIOR COUNSEL FOR
M/S.K.S.ARIVAZHAGAN Advocate

For Respondent : MR.A.NATARAJAN STATE PUBLIC PROSECUTOR
ASST. MR.M.MOHAMED MUZAMMIL Gov. Advocate[crl.side][R-1]

For Intervener : MR.S.SURESH Advocate FOR[R-2]

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

Heard Mr. S. Prabhakaran, Learned Senior Counsel appearing for the Petitioners, Mr. A. Natarajan, Learned State Public Prosecutor assisted by Mr. M. Mohammed Muzzammil, Learned Government Advocate (Criminal Side) appearing for the Respondent and Mr. S. Suresh, Learned Counsel for the Intervenor, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners have made this application under Section 438 of the Code of Criminal Procedure, 1973, apprehending arrest in connection with Crime No. 441 of 2015 on the file of the Respondent Police for alleged offences under Sections 406, 419 and 420 read with Section 34 of the Indian Penal Code, 1860.

3. It is contended by the Learned Senior Counsel appearing for the Petitioners that at the time of registering the complaint, the Petitioners were not even remotely cited as connected in any manner

with the alleged offences, much less as accused, but now a false case is being foisted against them due to political vendetta taking umbrage of the order dated 27.11.2019 passed by this Court in Crl. O.P. No. 32067 of 2019 filed by the Intervenor, directing to conduct further investigation in the matter. He further informs that the First Petitioner who was a Minister in the Government of Tamil Nadu during the period from 2011 to 2015 would fully co-operate with the investigation, but attempts are being made to lower his image in society by implicating him. It is also vehemently argued that the procedure prescribed in Section 41-A of the Code of Criminal Procedure, 1973, has not been followed in requiring the Petitioners for any interrogation, despite the directions of this Court dated 07.01.2019 in Crl. O.P. No. 26888 of 2018.

4. Learned State Public Prosecutor appearing for the Respondent states that the Petitioners have been out of reach for service of any summons for interrogation and have absconded, though no other objections have been raised for granting anticipatory bail to them. In reply to the same, the Learned Senior Counsel appearing for the Petitioners states that the Petitioners would appear for interrogation, when any notice is issued to them.

5. In the backdrop of the aforesaid rival contentions, Learned State Public Prosecutor appearing for the Respondent has today produced a copy of the summons issued to the Petitioners for their appearance in terms of Section 41-A of the Code of Criminal Procedure, 1973, and the Learned Counsel for the Petitioner has acknowledged the receipt of the copy of the same.

6. Accordingly, the Petitioners are ordered to be released on bail in the event of arrest, before the Learned Magistrate concerned, on the conditions:-

- (i) that the Petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties each for a like sum to the satisfaction of the Learned Magistrate concerned;
- (ii) that the sureties shall affix their photographs and Left Thumb Impressions in the surety bond and the Magistrate concerned may obtain a copy of their Aadhar Cards or Bank Pass Books to ensure their identity;
- (iii) that the Petitioners shall report before the Respondent Police on the date and time whenever required, until further orders;
- (iv) that the Petitioners shall not tamper with evidence or witness during investigation;
- (v) that the Petitioners shall not abscond during investigation; and
- (vi) that the Petitioners shall immediately surrender their passports to the Learned Magistrate concerned under written acknowledgement.

If any of the aforesaid conditions are not complied, the bail granted shall stand cancelled.

7. On breach of any of the aforesaid conditions, the Learned Magistrate concerned is also entitled to take appropriate action against the Petitioners in accordance with law as if the Learned Magistrate concerned has imposed the aforesaid conditions and released the Petitioners on bail.

8. If any of the Petitioners abscond, fresh FIR may also be registered under Section 229-A of the Indian Penal Code, 1860.

-sd/-

07/02/2020

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 METROPOLITAN MAGISTRATE,
SPECIAL COURT CASES TRIABLE CCB AND CBCID,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EGMORE, CHENNAI-600 008.

CC to M/S.K.S.ARIVAZHAGAN Advocate on payment of necessary charges

CRL OP.2278/2020

Date :07/02/2020

RD 07/02/2020